



# Security Council

Sixty-ninth year

Provisional

## 7192<sup>nd</sup> meeting

Thursday, 5 June 2014, 10 a.m.

New York

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<i>President:</i>	Mr. Churkin/Mr. Zagaynov	(Russian Federation)
<i>Members:</i>	Argentina	Ms. Ruiz Cerutti
	Australia	Ms. King
	Chad	Mr. Ali Adoum
	Chile	Mr. Barros Melet
	China	Mr. Li Yongsheng
	France	Mr. Lamek
	Jordan	Prince Zeid Ra'ad Zeid Al-Hussein
	Lithuania	Ms. Murmokaitė
	Luxembourg	Mr. Maes
	Nigeria	Mr. Laro
	Republic of Korea	Mr. Oh Joon
	Rwanda	Mr. Gasana
	United Kingdom of Great Britain and Northern Ireland	Mr. McKell
	United States of America	Mr. DeLaurentis

## 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

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Letter dated 15 May 2014 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2014/343)

Letter dated 16 May 2014 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2014/350)

Letter dated 16 May 2014 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/2014/351)

*The meeting was called to order at 10.05 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**

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**The President** (*spoke in Russian*): Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia and President of the International Residual Mechanism for Criminal Tribunals; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Criminal 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/2014/343 and S/2014/351, respectively containing the report of the International Criminal Tribunal for Rwanda and the report of the International Tribunal for the Former Yugoslavia.

I wish to draw the attention of members to documents S/2014/350, containing a letter dated 16 May 2014 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 Meron.

**Judge Meron:** It is my privilege to appear before the Security Council once again in two capacities, as President of the International Tribunal for the Former Yugoslavia (ICTY) and as President of the International Residual Mechanism for Criminal Tribunals. During my remarks today, I shall endeavour not to repeat the content of the written reports for those two institutions, but will instead highlight a few of the key issues contained therein.

Before doing so, however, I would like to congratulate Ambassador Vitaly Churkin of the Russian Federation on his country's assumption of the presidency of the Security Council. The Russian Federation, as a permanent member of the Council, has a continuing and critical role to play in relation to matters of international criminal justice, and I wish to extend to the Russian Federation my best wishes for its presidency.

I would like to underscore my appreciation for the work and dedication of the members of the Informal Working Group on International Tribunals, and to warmly welcome Chile and Ambassador Cristián Barros Melet to their new leadership role in the Working Group. Finally, I wish to recognize the continuing support and assistance provided to the ICTY and the Mechanism by the Office of the Legal Counsel and by the Legal Counsel himself, and to extend my deepest gratitude to all concerned.

Since its establishment by the Council, the ICTY has been the subject of diverse and ambitious expectations. For some observers, the Tribunal is the means by which victims and witnesses of horrific crimes have had

and continue to have an opportunity to be heard and to obtain a sense of justice. For others, the Tribunal's judgements, as well as the extraordinary quantum of evidence presented in its proceedings more generally, provide an avenue for understanding the tragic events that devastated families and communities across the region of the former Yugoslavia in the 1990s. Some observers and commentators also believe that bringing peace and reconciliation to the affected region is a core part of the Tribunal's mission.

I need not tell the members of the Council that these different hopes and ideals for international justice can often be in tension, if not outright conflict, with each other. Nor need I tell members how the varying visions that shape observers' perceptions of the roles of international criminal courts invariably impact the understanding of the courts' work and of their achievements and failings.

Whatever different perceptions and expectations there may be about what it is that courts like the ICTY should achieve, however, I believe that all will agree that as a court, our mandate is to apply the law to the facts in a neutral manner, thereby ensuring the fair trials and appeals of those who have been accused of individual criminal responsibility for atrocities. And I believe that all may also agree that the establishment of the ICTY more than two decades ago demonstrated a profound commitment on the part of the Council, acting on behalf of the international community, to ensuring accountability for widespread and flagrant violations of international humanitarian law through procedures and proceedings that reflect an abiding respect for fairness and due process of law — that reflect, in essence, a commitment to the rule of law.

The significance of this expression of commitment should not be underestimated. It is a devastating truth that the mere existence of the law cannot stop all conflict or all brutality. Murder and rape, theft and destruction — these acts have occurred since time immemorial and, tragically, they continue to this day. But it is through the law, I would suggest, and through our respect for the rule of law that our shared values are expressed and our moral imperatives articulated. It is through the law and respect for the rule of law that we affirm our own expectations about the kind of world in which we wish to live.

More than 20 years ago, the Council unanimously affirmed the importance of ensuring accountability and respect for the rule of law when it established the ICTY.

In 2010, the Council renewed its commitment to these same principles by creating the Mechanism. In the six months since I last appeared before the Council (see S/PV.7073), the principals and staff of the Mechanism have continued to carry out the mandate entrusted to it with both care and commitment. As described in greater detail in my written report (S/2014/351, annex I), the Mechanism is providing vital services to vulnerable victims and witnesses, supervising the enforcement of sentences across two continents, and addressing a wide range of requests for assistance from national jurisdictions, among other tasks.

During the reporting period, the Mechanism has handled a significant amount and range of judicial work, involving everything from allegations of false testimony to requests for review and the variation of witness protection measures. The hearing in the Mechanism's first appeal from judgement will be conducted soon, and a judgement in the case is expected before the end of the year.

The Mechanism's archives section also continues to work closely with the staff of the International Criminal Tribunal for Rwanda (ICTR) and the ICTY on the preparation and transfer of records to the custody of the Mechanism, and progress is being made in relation to the construction of the Mechanism's permanent premises in Arusha. My colleagues and I are most grateful to the Government of the United Republic of Tanzania for its ongoing, excellent cooperation in relation to the preparations for these new premises.

The dedication and talents of the Mechanism's excellent staff, hailing from more than 45 different States, have played an invaluable role in making all of this possible. However, I would be remiss if I did not note with gratitude the tremendous support that the Mechanism receives from valued colleagues at the ICTR and the ICTY. As those two Tribunals complete their own work and downsize their operations, the Mechanism is relying less and less on their support. But even as this occurs, the principals and staff of the Mechanism will continue to work closely with their counterparts at the ICTR and the ICTY to ensure a smooth transition of remaining functions and services to the Mechanism.

I would be likewise remiss if I did not stress how vital the continued support and cooperation of Member States are to the fulfilment of the Mechanism's mandate. The Mechanism relies on States to enforce sentences pronounced by the ICTR, the ICTY and the Mechanism

itself, and it is actively seeking to establish new enforcement agreements with States. The cooperation of States is also particularly vital when it comes to the apprehension of the remaining fugitives.

When the Council established the Mechanism in 2010, all States were urged to intensify cooperation and render all assistance necessary to achieve the arrest and surrender of all remaining fugitives. Just a few months ago, the Council renewed its entreaty in resolution 2150 (2014), calling upon all States to cooperate in the arrest and prosecution of the remaining nine fugitives indicted by the ICTR, three of whose cases remain with the Mechanism. Such cooperation is imperative if the international community's commitment to ensuring accountability is to have meaning.

I would now like to turn to discuss the ICTY, the first ad hoc tribunal created by the Council and a ground-breaking institution that is currently in the process of finishing its final few cases.

As regards the Tribunal's remaining trials, three of them — those of the late-arrested accused Messrs. Hadžić, Karadžić and Mladić — are continuing in line with earlier forecasts for judgement delivery, although all three are expected to continue past 31 December, as I had previously informed the Council. The fourth and final case still at trial — that of Mr. Šešelj — presents a situation *sui generis*, as described in my written report.

Since my last appearance before the Council, judgements in two appeals have been issued, and two more are expected by the end of this year. As previously reported to the Council, it is currently anticipated that despite the Tribunal's continuing efforts, it will have difficulty in completing the appeals in the remaining three appeal cases by 31 December, and the projected schedule of one of those cases has suffered a setback. Details on all of these matters and other updates regarding the Tribunal are contained in my written report.

Even as the Tribunal's judicial work advances, the ICTY continues to move towards closing its doors and is taking active steps to downsize its operations. A variety of factors, many beyond the scope of the case management process, continue to pose challenges as we strive to maintain previously forecast judgement delivery dates. I can assure the Council, however, that the committed judges and staff of the Tribunal are making every effort to ensure that the Tribunal's

nine remaining cases are speedily concluded while still respecting all necessary procedural safeguards.

International courts cannot resolve long-running historical conflicts on their own. Courts must be part of a panoply of transitional justice measures, including broader societal efforts spearheaded by community leaders, focused on history, memory, responsibility and respect for the rule of law. The need for a broader approach such as this should not, however, detract from our appreciation for the Tribunal's groundbreaking role and the valuable contributions of international criminal justice more generally.

Ensuring accountability for the worst of crimes and respect for the rule of law is sometimes not easy, and it is certainly not cost-free. But it is essential. For the protection of men, women and children, and for the preservation of our common values, the commitments made by the Security Council more than two decades ago, and renewed in 2010 and again this very year, must not be forsaken. It is because of this that the Mechanism was created, that the ICTY is diligently and carefully completing its final few cases before it closes, and that a successful conclusion to the remaining work entrusted to both institutions is still so tremendously important.

I am, as ever, deeply grateful to the members of the Council and the international community for their continued support as my colleagues and the dedicated staff of the ICTY and the Mechanism carry out the mandates the Council has entrusted to us.

**The President** (*spoke in Russian*): I thank Judge Meron for his briefing.

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 Russian Federation presiding over the Security Council in June. I would also like to thank and congratulate the representative of Chile on assuming the role of Chair of the Informal Working Group on International Tribunals. I wish both of them successful tours of duty. I would also like to take this opportunity to renew my thanks to the Office of the Legal Counsel for its continued work over the past six months as a very able and neutral interlocutor between the Tribunals and the Security Council.

It is as always a great honour to address the members of the Council and present it with a current update on the progress being made towards completion

of the work of the International Criminal Tribunal for Rwanda (ICTR). I wish to express the gratitude of the entire Tribunal to all Governments represented on the Council for their continued support as we approach the conclusion of two decades of judicial work.

I am happy to report that the Tribunal's judicial workload, which for some time has been only in the Appeals Chamber, remains on schedule since my last report (S/2013/663) in December 2013. The Appeals Chamber has delivered two judgements concerning four persons and heard appeals in three cases concerning four persons during the six months since the last report. Appellate proceedings have now been concluded with respect to 50 persons, and the Appeals Chamber is expected to render a judgement on the sole remaining accused in the Ndindiliyimana et al. ("Military II") case in June, while three other appeal judgements concerning four persons are projected to be delivered in September. This leaves only the Nyiramasuhuko et al. ("Butare") case, concerning six persons, in which the appeal is still scheduled to be heard before the end of 2014, with the judgement still not projected for completion before the end of July 2015.

As I have previously reported, the projected delivery of the appeal judgement in the Butare case reflects the delays in the briefing schedule, the fact that the scope of the appeals in this case has expanded since the initial notices of appeal, and the voluminous and complex pre-appeal litigation. I remain in contact with the Presiding Judge on the Butare appeal, and I am happy to report that the allocation of additional resources to this case has helped to prevent the additional delays that could potentially have occurred due to the continued volume of pre-appeal litigation. The Registrar and I continue to work closely with the Presiding Judge on Butare to try to ensure that the judgement in our final case will be delivered without any further delays.

I feel it is incumbent on me at this time to bring to the Council's attention, as I have in the past, the tireless work and dedication of the appeals judges and support staff of the Appeals Chamber, who have once again worked during this reporting period to very tight deadlines to ensure that the Tribunal's work remains on schedule. As the Council is well aware, however, the Tribunal is more than just its judicial component, and I would therefore be remiss if I did not also thank all the current and former ICTR staff outside the judicial teams. Their contributions to international justice have helped us reach the stage we are at today and will not

soon be forgotten. As we look back on almost 20 years of work, it is clear that the staff of the Tribunal, some of whom have committed large parts of their working lives to it, represent a significant part of the ICTR's legacy and what it will leave for posterity.

I now turn to the issue of relocating the acquitted and convicted released persons still residing in Arusha. I note that during the reporting period, the number of acquitted persons increased from seven to nine, following the acquittal of two individuals in the Ndindiliyimana et al. case in February, and the number of convicted released persons rose from two to three, following the release of Innocent Sagahutu after we filed our written report (see S/2014/343) on 5 May. Mr. Sagahutu was released following a reduction in his sentence by the Appeals Chamber in February and was eligible for consideration for early release, which was granted on 9 May.

The issue of relocating the now 12 individuals currently residing in Arusha has been brought to the Council's attention on numerous occasions and is an issue that I continue to believe represents a serious challenge to the credibility of the enforcement of international criminal justice. Despite numerous Security Council resolutions calling upon Member States to assist the ICTR in its relocation efforts, all attempts made by the ICTR to relocate the remaining individuals have proven unsuccessful.

Since the last report to the Council (S/2013/460), and consistent with the framework of the strategic plan submitted to the Informal Working Group on International Tribunals in the past year, the Registrar and I met with representatives from European countries. The Registrar also visited countries in Africa and held discussions with the African Group and the Chair of the African Union Commission in Addis Ababa to present the idea of the relocation of one or more acquitted or released persons. Unfortunately, as more time passes without positive results, it becomes less likely that those individuals will be relocated before the ICTR closes, and, as such, the Tribunal must once again call for urgent assistance from the Security Council to find a sustainable solution to the issue.

I will now update the members of the Council on the progress regarding the issue of reparations for victims of the genocide. I am pleased to announce that, following a request from victims' associations and initial discussions between my Office and the International Organization for Migration (IOM), which I explained

in my last report to the Council (S/2013/460), IOM has secured funding through a generous donation by the Government of Finland to undertake an assessment study on how the issue of victims' reparations could be taken forward. In February, the IOM and my Office held very promising initial meetings with key stakeholders in Rwanda, including the Rwandan Government, victims and survivors associations and civil society. Further consultations and preparations for the next stage of the project are expected to begin shortly, following the conclusion last week of a formal memorandum of understanding between the IOM and the Rwandan Government.

I will now provide the Council with an overview of the progress that has been made with respect to the transition to the International Residual Mechanism for Criminal Tribunals pursuant to resolution 1966 (2010). During the reporting period, the administration of the monitoring of all ICTR cases referred to national jurisdictions became fully the responsibility of the Mechanism. However, ICTR staff members continue to assist the Mechanism as interim monitors, pending the finalization of the Mechanism's arrangements with an international organization or body to monitor all referred cases.

In accordance with article 27 of the Rome Statute, the Mechanism is responsible for the management of the archives for both Tribunals. The ICTR continues to work in close cooperation with the Mechanism to ensure that the records are prepared in a manner that will facilitate effective management by the Mechanism after the transfer. I am happy to report that, as of 5 May, the Tribunal has transferred to the Mechanism a total of approximately 630 linear metres of records with long-term to permanent retention value, out of an estimated total of 2,621 linear metres of records that are being appraised for transfer by the end of the ICTR mandate. After a great deal of work done on assessing records in the past six months, additional records will be ready for transfer to the Mechanism during the coming months. However, records still in active use, including records related to the *Butare* case, will remain the responsibility of the ICTR and will be transferred only once they are no longer in use. The Tribunal remains hopeful that the preparation and transfer of its records will be completed prior to its closure.

I will conclude by recalling that, since April, Rwanda has been marking the twentieth anniversary commemoration and honouring the victims of the 1994

genocide. Overwhelmingly, the victims of the atrocities in 1994 were Tutsi, against whom the ICTR has stated, as a fact of common knowledge beyond dispute, that a genocide was committed. But they were also Twa, moderate Hutu and others who stood in opposition to the genocidal campaign, all of whom suffered the same tragic fate as their Tutsi brothers and sisters. Very fitting efforts to honour the victims of the genocide have already taken place, and further efforts are being planned to continue the commemoration for all victims of the genocide.

In April, representatives from the ICTR, including myself, the Prosecutor and the Registrar, participated in commemorative events in Kigali, Arusha and Dar es Salaam. Those events very fittingly reminded the world of those 100 dark days that took the lives of more than 800,000 people and of the resiliency of a country whose determination to rebuild a society after unspeakable devastation represents a monumental achievement that will not soon be forgotten.

Rwanda's achievements over the past 20 years are quite impressive, including the creation of a stable and functioning Government, whose commitment to national reconciliation and the strengthening of the rule of law can be seen in, as one example, its vigorous efforts to rebuild its justice system. The development of Rwanda's judicial system, including holding accountable those who participated in the atrocities in 1994, remains a crucial part of the peace and reconciliation process in Rwanda, and there can be no question that the ICTR has played an important role as an accountability mechanism.

It is a testament to Rwanda's dedication to accountability that, as the Tribunal's mandate draws near to a close, Rwanda is currently in the process of trying two cases referred to it by the ICTR and has taken over responsibility for six of the remaining fugitives. As Rwanda and other countries continue to work to hold those responsible for international crimes accountable, it is clear that the jurisprudential legacy of the ICTR will live on until, as Secretary-General Ban Ki-moon appropriately put it, "genocide is consigned, once and for all, to history". The Secretary-General's message was delivered by Bongani Majola, ICTR Registrar, in Arusha at the 10 April commemoration (SG/SM/15763).

As we look ahead, it is also important to note that 8 November 2014 will mark 20 years since the Council saw fit, initially at the request of Rwanda, to create an international tribunal. We hope that the

international community will use the occasion as an opportunity to mark Rwanda's achievements, as well as to further study the lessons learned from what was only an experiment in international justice in 1994. The great experiment has faced some adversity over the years, but it has also proven to be an integral part of the evolution of post-conflict justice. We plan to recall all of the Tribunal's achievements and challenges through a series of international events surrounding the 8 November anniversary. We sincerely hope that the international community will fully engage in and support those efforts.

It has been my distinct honour to address the Council once more, and on behalf of the Tribunal, I wish to express our gratitude for the support that the States Members of the United Nations have shown us throughout the past two decades. Continued assistance from Member States is crucial to the efforts that we are making to ensure that the Tribunal can close its doors with its mandate completed and its legacy secured.

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

I now give the floor to Mr. Brammertz.

**Mr. Brammertz:** I thank you, Mr. President, for the opportunity to address the Council on our progress towards the completion of our mandate.

As forecast in my December address (see S/PV.7073), in this reporting period the Prosecution finished presenting its evidence in all the remaining trials. We are now well and truly in the final phase of our work. In the Karadžić case, the defence case has closed and the parties are now preparing their final trial briefs and closing arguments for late August and September, respectively. Following the closing of the Prosecution's case in both the Mladić and the Hadžić cases, the respective Trial Chambers denied the defence motions for acquittal. As a result, the Mladić defence began presenting its evidence two weeks ago and the defence in the Hadžić case is scheduled to begin on 3 July. The trial judgement in the Šešelj case is still pending.

The Appeals Division of the Office of the Prosecutor is presently occupied with five appeals. I would like to refer the Council to the full written statement for more details in that regard.

The appeal judgements earlier this year in the *Šainović et al.* and *Đorđević* cases established two

additional legal precedents with far-reaching and positive significance for both the Tribunal and for international criminal law. First, in both cases, the Appeals Chamber corrected errors at the trial level that resulted in unduly restrictive approaches to assessing whether the accused could foresee crimes of sexual violence. In correcting those errors, the Appeals Chamber has strengthened the foundations for holding senior officials accountable for crimes of sexual violence amid a violent criminal campaign. Secondly, in the *Šainović et al.* case, the Appeals Chamber affirmed that specific direction is not a requirement for aiding and abetting, thereby bringing the Tribunal's case law back in line with customary international law.

I am pleased to report that the day-to-day cooperation between my Office and the countries of the former Yugoslavia continues smoothly. Serbia, Croatia and Bosnia and Herzegovina have responded as required to our requests for assistance and have generally facilitated our work on the remaining trials and appeals. We call upon the national authorities to maintain that good cooperation throughout the next reporting period and beyond. I am also pleased to note that additional cooperation protocols have been concluded among the countries of the former Yugoslavia on war crimes issues and that information exchanges are taking place. That is clearly an improvement, and we encourage the national authorities to translate the goodwill enshrined in the protocols into more visible action.

When it comes to implementing the Bosnia and Herzegovina National War Crimes Strategy, the picture is unfortunately bleak. As I have reported over the past four periods, very little progress has been made towards finalizing the remaining category II cases, the last of which my Office transferred to Bosnia and Herzegovina in 2009. Only one indictment in relation to those investigation files was issued in the current reporting period, leaving the other seven files pending, with no discernible progress made. In April, I had in-depth discussions with representatives of the Office of the Prosecutor of Bosnia and Herzegovina but did not receive convincing explanations for the absence of relevant activity on the remaining files. That situation cannot continue. The responsible authorities must commit to a dramatic improvement in processing the category II cases.

More generally, the Bosnia and Herzegovina National War Crimes Strategy is considerably delayed and a large backlog of cases remains. According to the



Office of the Prosecutor of Bosnia and Herzegovina, around 350 complex cases should be completed by the end of 2018. That is three years after the deadline originally prescribed. Then there is the far larger backlog of less complex cases, many of which still await investigation and, in some cases, the start of investigations. Serious action is required if that large volume of cases is to be completed by the 2023 deadline.

The delay does not arise solely from a lack of resources. There is little commitment on the part of the responsible institutions to prioritizing war crimes investigations and prosecutions. While more resources alone will not solve some of the fundamental problems of the National War Crimes Strategy, my Office welcomes the justice budgetary support of the Instrument for Pre-accession Assistance, funded by the European Union, which aims to strengthen resources for war crimes processing. My Office also recognizes the efforts of the Organization for Security and Cooperation in Europe (OSCE) mission in Bosnia and Herzegovina to set up a new and more coordinated national training programme for war crimes cases. As emphasized in a report prepared on behalf of my Office last year, a comprehensive and coordinated training programme is an essential precondition for successfully implementing the National War Crimes Strategy. My Office remains available to work with the OSCE and other relevant partners to integrate the knowledge and expertise of the International Tribunal for the Former Yugoslavia into the programme.

My Office is in the process of finalizing the first edition of a paper that records our best practices and lessons learned with respect to investigating and prosecuting crimes of sexual violence. We know that such crimes occurred in shockingly high numbers during the conflict in the former Yugoslavia and that many of them remain unaddressed. We also know that crimes of large-scale sexual violence continue to characterize ongoing conflicts around the world. We plan to make available our experience over the past 21 years in navigating some of the distinctive obstacles that arise in sexual violence cases. The paper will be of interest to a range of actors, including the national authorities of the former Yugoslavia and other countries around the world.

Our work also reinforces other efforts currently under way within the international community to elevate the priority accorded to crimes of sexual violence and to improve the guidance available to

those investigating and documenting such crimes. One such effort is the United Kingdom's Preventing Sexual Violence Initiative, launched in May 2012 by Foreign Secretary William Hague. We will be present at the Global Summit to End Sexual Violence in Conflict in London next week and look forward to sharing our insights and expertise as part of that unprecedented dialogue on conflict-related sexual violence.

On a similar theme, we are pleased that, of course within the constraints of our available capacity, the expertise within my Office is being channelled into rule of law capacity-building efforts across the world. Periodically, we have been called upon to advise and assist in post-conflict accountability processes in the Middle East, Africa and South America. We have also assisted other parts of the United Nations system, such as the Office of the High Commissioner for Human Rights and UN-Women, in that regard. In that way, we have been pleased to reinforce the operational capacity available within the international community for investigating and prosecuting international crimes. To the extent compatible with our core functions of trial and appellate work, we will remain open to further requests to assist in the future.

In conclusion, as downsizing continues in compliance with the completion strategy, my Office remains firmly focused on the final trials and appeals, which are among the most important and complex in the Tribunal's history. We are also taking a deep and reflective look at the practices that we have developed and the lessons learned over the past 21 years. We know that there is an increasing interest among many stakeholders in accessing such information, and we are committed to sharing it. We will continue to encourage the national authorities, especially those of Bosnia and Herzegovina, to take full advantage of the resources available to them within my Office in order to ensure accountability for the crimes committed. More broadly, we know that finding creative and effective new strategies for national capacity-building is a priority area if we are to construct a more coherent and complete international justice system. We will ensure that our experience and expertise are available as a building block for that process.

**The President** (*spoke in Russian*): I thank Judge Brammertz for his briefing.

I now give the floor to Judge Jallow.

**Judge Jallow**: Today's meeting takes place against the backdrop of the recent commemoration by the

Security Council, Rwanda, the International Criminal Tribunal for Rwanda (ICTR), the International Residual Mechanism for Criminal Tribunals and, indeed, the world at large of the twentieth anniversary of the 1994 Rwandan genocide against the Tutsis. It is also in anticipation of the twentieth anniversary of the establishment of the ICTR by the Council.

In that context, we at the ICTR and at the Mechanism share the expression of remorse by Council members over the occurrence of that great tragedy. We commend the Council's unflinching support for justice and accountability, as well as its commitment to make never again a reality. Rwanda's tragedy of 1994 acutely highlights the need for effective measures to prevent mass atrocities and for timely and effective steps by the international community to protect communities that face the threat of or are already subject to such atrocities. We hope that the role of the ICTR in the process of post-genocide justice and reconciliation in Rwanda has provided a basis for effective accountability for such crimes and further strengthening of the international community's resolve to ensure that such atrocities are indeed never again allowed to occur.

The ICTR, in the course of its mandate, has indicted 93 leading figures, of whom 61 thus far have been convicted of genocide, crimes against humanity or war crimes and 14 have been acquitted at trial or on appeal. Two indictments were withdrawn prior to trial, three accused passed away prior to trial, and we have now referred ten cases to national jurisdictions for trial. We still have nine fugitives at large, six of whom have had their cases referred to Rwanda, and three fugitives have had their cases reserved for the International Residual Mechanism for Criminal Tribunals.

The process of justice and accountability has not, it must be acknowledged, been exclusively the preserve of the International Court. Rwanda, through both its conventional courts and its traditional gacaca courts, has undertaken the prosecution of the bulk of perpetrators of the genocide and contributed significantly to the restoration of peace and the reconciliation of the community. Several other countries, in Europe and the Americas particularly, have also contributed to the process by undertaking the local prosecution of genocide suspects, extraditions or deportations of suspects or acceptance of cases for trial on referral from the ICTR. The process of accountability has thus been a truly global effort. Underpinning it all is the sacrifice of thousands of victims and survivors who

have come forward and testified before the courts, reliving their bitter experiences in order to assist the courts in establishing the truth and rendering justice. To all those States and to the witnesses, we owe a debt of gratitude.

As we commemorate the twentieth anniversary of that tragic event and prepare for the imminent closure of the ICTR and the complete takeover of its functions by the Mechanism, we need to recognize that, despite many achievements, much remains to be done to bring the process of legal accountability to a proper end. Member States need to cooperate with and support the Mechanism and Rwanda to ensure that the nine remaining fugitives are arrested and transferred to the appropriate jurisdiction for trial. The many other persons suspected of involvement in the genocide who could not be indicted by the Tribunal need to be extradited to Rwanda for trial or to another appropriate jurisdiction or prosecuted by the States in which they reside. Witnesses who require protection need to be secured against those continuously seek to subvert the process of justice. Those who have been acquitted or have finished serving sentences need to be assisted with resettlement. These are all matters in which only Member States can assist to provide solutions, and we look forward to their full cooperation in all these respects.

Turning to the work of the ICTR during this past period, I am pleased to report that, with the completion of the oral arguments on appeal in the *Nizeyimana* and *Nzabonimana* cases, the Tribunal's remaining workload continues to be reduced and is on track for timely completion. Earlier in the reporting period, the Appeals Chamber also completed the hearing of oral arguments in the *Karemera et al* and *Ngirumpatse* appeals, at which session it also delivered judgements against three accused in the *Ndindiliyimana et al (Military II)* appeal. Prior to that, judgement on the *Ndahimana* case was delivered on 16 December 2013.

We are now awaiting a judgement is now awaited in the case of Augustin Bizimungu, whose appeal was severed from the other *Military II* accused, as well as in the *Nizeyimana* and *Nzabonimana* cases. Oral argument in our last appeal — the *Butare* case, in which there are six accused — has not yet taken place, but my staff are actively engaged in preparing for it, litigating a large number of post-trial motions and preparing for final submissions in that case.

Alongside the appellate work, which is the only core work that remains, staff of the Office of the Prosecutor

(OTP) remain actively engaged with the completion of the remaining critical activities, including the updating of all records of past disclosures for a smooth transition to the Mechanism. The archiving of the OTP's records continues apace, and with the commissioning of the OTP's archives store, which was mentioned in my most recent report, more records are positioned for transfer to the Mechanism's archives. In the past six months, a further 225 boxes of documents in respect of 5 cases were handed over to the archives. The processing, appraisal and security classification of all Office records continues in order to ensure proper archiving.

The staff also continue to assist the staff of the Mechanism's Office of the Prosecutor in a double-hatting capacity whenever required, particularly in connection with the monitoring of referred cases and the preparations for oral arguments in the *Augustin Ngirabatware* case.

Our residual work, especially around good practices and experiences and the preparation of manuals, continues to attract interest from broad quarters and practitioners, particularly in the efforts to meet the challenges of transitional justice. Our cooperation with other United Nations agencies in that respect has been most useful. Our manual on the investigation and prosecution of sexual violence was completed and launched at an international workshop that I hosted in Kampala in January 2014 and is now available to all Member States and other interested parties. A series of regional training events are being planned on this subject for later this year as a follow-up to the Kampala meeting. I am happy to report that UN-Women has played and continues to play an important role in those activities in relation to a very difficult and critical subject. Like our colleagues at the International Tribunal for the Former Yugoslavia (ICTY), we are also collaborating with the organizers of the global conference in London relating to the investigation and prosecution of sexual violence and look forward to participating in that event.

With regard to the activities of the Mechanism, I am pleased to inform the Council that, with the completion of the recruitment of the core staff of the Office in both branches, in Arusha and The Hague, the work of the two branches and the task of inter-branch coordination is progressing well.

At the Arusha branch, the creation of a roster of potential staff for recruitment in the event of the arrest of a fugitive is in progress. To enhance further cooperation in the tracking and arrest of the three fugitives, that

is, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana, I have visited, during the reporting period, several countries in the Southern African Development Community and Great Lakes region of southern Africa and held high-level and productive consultations with Government ministers and senior security officials.

I am pleased to report that the Mechanism has been assured that it will receive effective cooperation in pursuance of our requests. Further visits to more countries in the region are planned before the end of the year. It is my hope that, with increased cooperation between Member States and staff on the ground, the tracking activities and the arrest of the fugitives will be accelerated and yield some results. Tracking will continue to be a top priority for the Mechanism, and so should also be for all Member States. Our Office continues to receive a steady stream of requests for assistance, and in the current reporting period, 51 requests from 10 countries were responded to.

Monitors appointed by my Office continue to monitor the two cases, *Uwinkindi* and *Munyagishari*, that were referred to Rwanda in 2012 and 2013, respectively, and *Bucyibaruta* and *Munyeshyaka*, which were referred to France in 2007. The trial of *Uwinkindi* has actually commenced as scheduled on 14 May 2014. Meanwhile, pre-trial proceedings in the *Munyagishari* case in Rwanda are ongoing, although no firm trial date has yet been scheduled. My recent consultations with French judicial authorities also disclose significant progress in the management of the two cases in France. The oral arguments in the *Ngirabatware* case, the only appeal pending from the Arusha branch, are tentatively scheduled for 30 June.

The Hague branch has, in addition to establishing itself to its full capacity, been active during the reporting period. We have established there an advance ad hoc appeals team to deal with the appeals that we expect to manage, and the branch works closely with the ICTY Office of the Prosecutor, making use of double-hatting arrangements to prepare for future appeals and to make efficient use of resources.

Regarding judicial activities, I am pleased to report that the briefing of a request for a review of the ICTY judgement against Milan Lukić has been completed. The Hague branch has responded to nine applications for variations of protective measures from national judicial authorities in relation to more than 30 ICTY witnesses. It has also provided information to the

Registrar regarding the enforcement of sentences in relation to five persons convicted by the ICTY.

Cooperation with the national juridical authorities with respect to that branch is going well. There has, however, been an unforeseen increase in the number of requests for assistance received by the Hague branch. We have had to create a temporary position in order to assist with managing that backlog. Since my last report (see S/PV.7073), the Hague branch has responded to 121 requests for assistance, primarily from prosecutors from the former Yugoslavia. The Hague branch has been working closely with the liaison prosecutors from Bosnia and Herzegovina, Croatia and Serbia, who are situated at the ICTY-OTP, and we are in the process now of negotiating — and hopefully we will conclude before the next meeting of the Council on this topic — memorandums of understanding with the respective State prosecutors in the region to entrench cooperation and mutual legal assistance and ensure smooth continuity as the Mechanism takes over mutual assistance and cooperation responsibilities.

Further, we also had the pleasure of participating in the annual conference of prosecutors in Brijuni this year.

I remain confident that the ICTR is on track for the timely completion and closure of its remaining workload, with the conclusion of all cases save the Butare appeal. We therefore consider 2014 a fitting year to organize, as we plan to do, subject to voluntary contributions from Member States, two critical components of the ICTR legacy programme. The seventh Colloquium of International Prosecutors, which will seek to identify the challenges and prospects for the national prosecution of international crimes and the lessons that the work of the Tribunals can offer in that regard. The Colloquium will also be complemented by an international symposium on the contribution of the ICTR to international justice, peace and reconciliation. We look forward very much to the support of Member States to make those events possible.

Finally, allow me to acknowledge, with appreciation, the Council's resolution 2150 (2014) calling for the urgent and active support of Member States, especially in the Great Lakes region, to realistically show their commitment to the fight against impunity by supporting the Mechanism in tracking and arresting the few remaining fugitives slated for trial in Arusha and in Rwanda. That remains the biggest challenge, not only

for the Tribunal, but also for the cause of international justice and accountability.

**The President** (*spoke in Russian*): I thank Mr. Jallow for his briefing.

I now give the floor to members of the Council.

**Mr. Barros Melet** (Chile) (*spoke in Spanish*): My delegation thanks the Presidents and Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR) for their complete reports on the work done and on the completion strategies of their respective Tribunals. We also thank the President and Prosecutor of the International Residual Mechanism for Criminal Tribunals for his comprehensive reports on the Mechanism's work.

Our country has supported the establishment of the various International Criminal Tribunals and their work. We underscore their contribution to the international justice system and to international peace and security and the rule of law. In that regard, we recognize and support the work carried out by the ICTY and the ICTR in accordance with our conviction that the most serious crimes in the eyes of the international community must not go unpunished.

Last year we commemorated the twentieth anniversary of the establishment of the ICTY, and this year we will commemorate the twentieth anniversary of the creation of ICTR. Experience has shown us that the jurisprudence of the specialized Criminal Tribunals, despite their ex-post-facto nature, serves as a valuable contribution to the fight against impunity and the ongoing development of international criminal law. In that connection, we also support the work of the International Residual Mechanism for Criminal Tribunals, which ultimately allows for the conclusion of the proceedings initiated by the Tribunals and ensures accountability for those responsible for the crimes that led to the establishment of the ICTY and ICTR.

From my country's perspective and with our own experience in recent history, we would like to underscore the role played not only by the international criminal Tribunals, but also by the cooperation and assistance that can be provided by the international community in creating mechanisms for victim reparations, which will open space for reconciliation.

With regard to the ICTY, we underscore the progress made in concluding the pending trials

and appeals, ensuring all the while respect for the fundamental principles of due process, impartiality and justice. Meanwhile, we underscore the importance role that international judicial cooperation has played in ensuring the Tribunal's proper functioning, which has allowed, among other things, for the completion of the trials of 141 of the 161 accused, and the important fact that there are no fugitives at large. However, despite the Tribunal's efforts, we see a delay in the processing of some cases owing to a lack of logistical resources, primarily with regard to the translation of many documents. My country encourages Member States to increase their cooperation in that area in order to streamline the procedures so that justice can be served.

With regard to the International Criminal Tribunal for Rwanda, we underscore the fact that its trial work has been completed and that there are only five appeals at various stages of processing. Rulings are expected to be handed down this year, except in the *Butare* case, the decision for which is expected next year.

We wish to express our concern over the fact that nine defendants remain fugitives, and we encourage all States, especially those in which fugitives are suspected to be situated, to redouble their efforts to find them and have them brought before the Mechanism for trial. The international community must cooperate with international criminal justice to ensure that there is no impunity.

With regard to the situation of acquitted persons and those who have already served their sentences and remain in Arusha under the custody of the Tribunal without identification documents, migration status or means to support themselves, it is essential that efforts to find a final resettlement for them continue. Once again, the international criminal justice system depends on the cooperation of the international community.

With regard to the Residual Mechanism, we are pleased that it is fully operating and carrying out intense judicial work and that the transfer of the Tribunals' functions to the Mechanism has shown concrete progress. We underscore the signing of the agreement between the United Nations and the Government of Tanzania, on 5 February, which allows for the construction of the facilities for the Mechanism in Arusha. We thank the Government of Tanzania for the generous donation of land on which those facilities will be built. We also encourage the prompt signing of an agreement between the United Nations and the Government of the Netherlands on the functioning of

the branch at The Hague. The transfer of the archives of both Tribunals to the Mechanism should be a priority for those bodies. In that regard, we recognize the progress made so far.

The Tribunals have achieved much progress in fulfilling their mandates, and we recognize their efforts to implement their completion strategies. Nevertheless, we recognize the challenges that the Tribunals face in retaining their qualified and experienced staff, who, faced with losing their jobs with the conclusion of the work of both Tribunals, are seeking other opportunities. The international community must ensure that both the Tribunals and the Mechanism have the necessary human resources to carry out the work entrusted to them by the Council.

The dual mandates of Judge Meron and Mr. Hocking, as President and Registrar of the International Criminal Tribunal for the Former Yugoslavia and the Residual Mechanism, respectively, and of Prosecutor Jallow, as Prosecutor of the International Criminal Tribunal for Rwanda and the Mechanism, have facilitated the effective and coordinated transfer of functions from the Tribunals to the Mechanism. We recognize their commendable work.

Chile is honoured to chair the Informal Working Group on International Tribunals. As we have heard from the Presidents and Prosecutors of the Tribunals for the Former Yugoslavia and for Rwanda, as well as from the President and Prosecutor of the Residual Mechanism, they face numerous challenges in their completion strategies and in the transfer of their functions to the Mechanism. The Working Group is in a unique position to contribute to the search for joint solutions. In that regard, we reiterate our call for a deepening of international cooperation so that the mandate given to the Tribunals and the Mechanism by the Council can be adequately fulfilled.

**Mr. Gasana** (Rwanda): I thank the briefers for the presentation of their assessments and progress reports on the work of their respective Tribunals and the Residual Mechanism (S/2014/343, S/2014/350 and S/2014/351).

Members of the Council are all aware that this year, from 7 April to 4 July, Rwanda is commemorating the twentieth anniversary of the one-hundred-day genocide against the Tutsi. On 8 November this year, we will also mark the twentieth anniversary of the International Criminal Tribunal for Rwanda (ICTR) established

by the Security Council in its resolution 955 (1994). Therefore, as we consider the reports submitted to us, we shall also take stock of the work of the ICTR during the past 20 years.

Rwanda acknowledges the important role played by the ICTR and by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in advancing international criminal justice. Indeed, both Tribunals have produced a substantial body of jurisprudence, including on the definition of genocide and on superior responsibility. In the *Akayesu* case, the Tribunal, while establishing that genocide was committed against the Tutsi ethnic group in Rwanda, also ruled that acts of rape and sexual violence constitute crimes of genocide if committed with the intent to destroy the targeted group. We also recognize the fact that the ICTR indicted 93 individuals, mainly the masterminds, planners and organizers of the genocide, who were out of reach for the Rwandan justice system as they were international fugitives.

The ICTR and the ICTY clearly established that genocide was committed in Rwanda and Srebrenica respectively, and we take this opportunity to once again call on all members of the international community, including political actors, to fight the scourge of genocide denial, which is an insult to the victims and an obstacle to long-term reconciliation.

Rwanda also appreciates the medical and psychological services provided by the Mechanism to witnesses residing in Rwanda, particularly the victims of psychotrauma and HIV/AIDs among women raped during the genocide. That was one of the main contentious issues of the past few years, as those services had only been provided to the people indicted or convicted in Arusha.

Rwanda fully understands that all of the people indicted in judicial proceedings will not necessarily be convicted and sentenced. Nonetheless, we are extremely troubled at the dangerous trend we see in the ICTR appeals, where military commanders and cabinet ministers have been acquitted, despite some of them having been found guilty of serious charges by the Trial Chamber. I would recall that, in 1998, the then-Prime Minister of the genocidaire Government pleaded guilty to genocide and even produced a substantive written confession on how the genocide was planned and executed by the authorities.

Allow me to put things in historical perspective. Could anyone in this Chamber or elsewhere have

accepted that Joachim von Ribbentrop, Adolf Hitler's Minister for Foreign Affairs, or Heinrich Müller, Head of the Gestapo, could be acquitted in Nuremberg? I do not think so.

Unfortunately, that is what happened at the ICTR, where a number of cabinet ministers, including the Minister for Foreign Affairs, and military commanders, including the Head of the Gendarmerie, have been acquitted by the ICTR, mainly by the Appeals Chamber. To add insult to injury, the ICTR has also granted a number of early releases to people sentenced for genocide despite the seriousness of the crime committed.

One of my interlocutors, a very prominent person working for the ICTR, told me two days ago, "You know, Ambassador, we need to take that kind of action so that we maintain a kind of credibility with the international community." I looked at him and I said, "Oh, that is well and good." I think that the ICTR, despite all its achievements mentioned previously, should strive to gain credibility among the Rwandan people, and especially among genocide survivors, those directly concerned, rather than among members of the international community.

With regard to the four cases referred to national jurisdictions under rule 11 bis of the ICTR Statute, the situation varies.

Two cases — those of Jean Uwinkindi and Bernard Munyagishari — were transferred to Rwanda in April 2012 and July 2013, respectively. The trial of Uwinkindi started last month, while that of Munyagishari is in pre-trial proceedings before the Rwandan courts. At the same time, two other cases — those of Laurent Bucyibaruta and Wenceslas Munyeshyaka — were transferred to France seven years ago, in November 2007. Let me recall that the investigations in France against the two individuals started well before the 2007 referral; they started in 2000 for Bucyibaruta and in 1995 for Munyeshyaka. We are informed by the monitoring mechanisms put in place by the ICTR that the trials in those cases will begin in 2015 and 2016, respectively — that is, 16 and 20 long years after the start of the respective investigations.

While Rwanda welcomed the conviction of Pascal Simbikangwa by a criminal court in Paris in March — which was the very first trial of a genocide suspect in France in 20 years — we are extremely concerned by the repeated delays of proceedings

in cases referred by the ICTR to France. It has been said that justice delayed is justice denied. We call on the French authorities to ensure that the remaining investigations are expedited, and we hope that they will be.

Rwanda is still concerned that nine ICTR fugitives remain at large, including the three top-priority fugitives, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. We recall resolution 2150 (2014), adopted by the Council on 16 April, which calls upon all States to cooperate with the ICTR, the Mechanism and the Government of Rwanda in the arrest and prosecution of those fugitives, and further calls upon States to investigate, arrest, prosecute or extradite all other fugitives accused of genocide residing on their territories, including those who are Forces démocratiques de libération du Rwanda leaders. In the meantime, we thank Prosecutor Hassan Bubacar Jallow for his continued efforts in tracking the fugitives, including by dedicating a page on the Mechanism's website containing updated information related to the search for those nine fugitives.

Rwanda commends the ICTR for its outreach programmes, in particular the awareness-raising activities of the Umusanzu Information and Documentation Centre in Kigali and its 10 additional provincial mini-information centres. As stated in the Mechanism's progress report (S/2014/350, annex I), the Centre has played an important role in information dissemination and facilitated access to ICTR jurisprudence and other legal materials, for the benefit of the Rwandan authorities, including the judiciary, academics, civil society and the general public.

In the long term, however, we have on many occasions expressed our view that the ICTR archives, although they are the property of the United Nations, should be located to Rwanda upon the completion of the Mechanism's mandate. Indeed, the ICTR records constitute an integral part of Rwandan history, are vital to the preservation of the memory of the genocide, and will play a critical role in preserving current and future generations from genocide denial and revisionism. Rwanda will continue its consultations within the United Nations system to achieve that goal.

In conclusion, we hope that as the ICTR marks its twentieth anniversary, it will live up to the expectations of Council members when they adopted resolution 955 (1994). I thank the Tribunal for its achievements, but we regret that its decisions in recent years will hardly

convince Rwandans that it has served justice and reconciliation in our country.

**Ms. Murmokaitė** (Lithuania): I would like to begin by thanking Judge Meron, Judge Joensen, Prosecutor Brammertz and Prosecutor Jallow for their comprehensive reports and briefings today.

Lithuania supports and commends the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The principle of accountability for the most serious crimes of concern to the international community must be upheld and actively pursued. The task of ending impunity for mass atrocities is often at the very heart of transitional justice and reconciliation efforts leading to a sustainable peace.

The ICTY and the ICTR were established by the Security Council to deal with horrific crimes in view of a lack of independent judiciary capacity. Guided by the principles of fairness, impartiality and independence, both Tribunals have championed respect for the rule of law, developed capacity at the national level, and contributed to the difficult but necessary process of reconciliation and peace. The reports and today's briefings clearly show that both Tribunals are moving successfully towards the completion of their mandates.

With regard to the work of the ICTY, all the indictees have been brought before the Tribunal, including several long-term fugitives. The Tribunal has concluded proceedings against 141 of the 161 indicted individuals. We expect the Tribunal to complete its work in the nearest future. It is important to emphasize that nothing should undermine its ability to deliver justice in due process. While acknowledging the heavy workload of the Tribunal and the considerable progress that has been made, we encourage the ICTY to take all necessary measures to keep the delays to a minimum.

Accountability for war crimes and crimes against humanity depends on the effective completion of the last cases by the ICTY and the International Residual Mechanism for Criminal Tribunals, as much as it does on the success of national prosecutions. In fact, effective and efficient national prosecutions of war crimes will remain a critical component of the ICTY's legacy. We share the concern expressed in the report (S/2014/351, annex I) regarding the slow processing of war crimes cases, and in particular cases of sexual violence, by national institutions in countries that emerged out of the former Yugoslavia.

Conflict-related sexual crimes are particularly heinous and have lasting effects on the victims, their families and entire communities. We call upon the national authorities to devote sufficient time and attention to these cases and to truly commit to the resolution of the outstanding case load. Regional cooperation is very important in this regard. The conclusion of the Protocol on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide between the Prosecutor's Offices of Bosnia and Herzegovina and Montenegro on 29 April was a positive step in that respect.

The International Criminal Tribunal for Rwanda has done significant work in pursuing justice and set important precedents in the development of international criminal law, such as the first-ever prosecution for rape as an act of genocide. As the closure of the Tribunal approaches, nine fugitives indicted by the ICTR remain at large, six cases have been referred to Rwanda, and the remaining three indictees are to be tried before the Residual Mechanism. The work is not yet fully complete, and we should not let down our guard. We call on all parties to intensify their cooperation in order to achieve the arrest and surrender of all remaining fugitives as soon as possible. A successful conclusion to the Tribunal's work, and the delivery of justice to the victims and survivors of the unspeakable horrors committed two decades ago, would be a fitting tribute to the memory of the human tragedy whose twentieth anniversary is being commemorated this year.

An issue of concern is the human rights situation faced by those who have been acquitted but are still waiting to be relocated. We call on all States in a position to do so to respond positively to the Tribunal's request for their relocation.

After two decades of activity, the Tribunals are working together to ensure a gradual and effective transition of their work to the International Residual Mechanism for Criminal Tribunals. The Residual Mechanism is essential to ensuring that there will be no impunity for the remaining fugitives and that the appeals will be completed and witnesses protected.

Finally, I would like to note that the scale and horrendous character of the mass atrocities of the past few decades have clearly demonstrated the necessity of a permanent court of justice aimed at ending impunity for the most serious crimes of international concern, in situations where justice cannot or will not be ensured otherwise. Both ad hoc Tribunals have played a crucial

role in and made a considerable contribution to the creation of the International Criminal Court (ICC). As the work of the ICTY and the ICTR is about to end, it is more important than ever that the Council fulfil its responsibilities in putting an end to impunity and ensuring justice and accountability. In that regard, political support for the ICC is essential in order to make sure that it can deliver on the expectations of the numerous victims of war crimes, crimes against humanity and genocide, for whom this body may be the only recourse to justice.

**Mr. Laro (Nigeria):** I would like to thank the Russian delegation for convening this important debate, and I join previous speakers in thanking the briefers for their statements. Nigeria commends the two ad hoc Tribunals for their contributions to the development of substantive and procedural international criminal law and the promotion of the rule of law. Their work has helped to strengthen the international criminal justice system and the fight against impunity and has affirmed the importance of ensuring accountability for genocide, crimes against humanity and war crimes.

Council members will recall that at the meeting held on Wednesday, 16 April, to commemorate the twentieth anniversary of the genocide in Rwanda (S/PV.7155), the Council adopted resolution 2150 (2014), which calls on States to recommit to preventing and fighting genocide and other serious crimes under international law. The Council acknowledged that the prosecution of persons responsible for genocide and other serious crimes by the International Criminal Tribunal for Rwanda (ICTR) has contributed to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda.

In the interests of justice, all Member States have a duty to cooperate with the ICTR, the International Residual Mechanism for Criminal Tribunals and the Government of Rwanda in order to arrest and prosecute the remaining fugitives indicted by the Tribunal. According to the report of the ICTR (see S/2014/343), Member States have intensified their cooperation, with the goal of apprehending and bringing to trial within their national jurisdictions the Rwandan suspects on the INTERPOL list of wanted fugitives. This is a welcome development, and we hope it sends a clear message that there will be no place for the perpetrators of mass atrocities to hide.

Nigeria takes positive note of the progress the ICTR has made in implementing its completion



strategy, which has been updated continuously since 2003. The smooth handover of most of its judicial and prosecutorial functions to the Residual Mechanism is an important indication of that progress. While we understand that preparing and submitting archives to the Mechanism is a major challenge, we nonetheless call on the Tribunal to continue to focus on the process of transferring the records and archives. One important fact is that the lessons learned in managing the judicial, administrative and prosecutorial functions of an international tribunal are vast, and sharing them will enable current and future international and domestic courts to learn from the successes and challenges that form the ICTR's legacy.

Turning to the International Tribunal for the former Yugoslavia, it is significant that there are no outstanding fugitives and that the Tribunal has concluded its proceedings against 141 of the 161 individuals it has indicted. This reassures us that the Tribunal has been making progress in fulfilling its mandate to meet the completion strategy deadlines. Its support for the Residual Mechanism through a variety of processes, including recruitment, communications, information technology support and registry management, is commendable.

We are concerned that various factors, including the late arrests of some individuals and issues that are particular to specific cases, could militate against the efforts to complete some trials and appeals by the 31 December deadline for transfer to the Mechanism. We encourage the Tribunal to work expeditiously towards completing the outstanding judicial proceedings while observing all appropriate procedural safeguards, adhering to the fundamental principles of due process and fairness, and ensuring a smooth transition to the Residual Mechanism.

Nigeria welcomes the progress reports from the President and Prosecutor of the International Residual Mechanism for Criminal Tribunals for the period from 16 November 2013 to 15 May 2014 (S/2014/350, annexes I and II). We are satisfied that in accordance with its mandate, the Mechanism has assumed responsibility for many functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia. We urge the Mechanism to continue to work closely with the principals and staff of both Tribunals in order to facilitate the smooth transition of the remaining functions and services and to harmonize and adopt best practices.

Finally, we would like to state that Nigeria remains committed to the fight against impunity. We believe it must be confronted wherever it occurs. We support strong global action against mass atrocities, and to demonstrate our support we have ratified the relevant international legal instruments.

**Mr. Maes** (Luxembourg) (*spoke in French*): I too would like to thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for their briefings and reports on the activities of the International Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). I also thank them for the information they have given us in the International Residual Mechanism for Criminal Tribunals. We commend the excellent work of both Tribunals in developing international law, bringing justice to the victims, apprehending fugitives and prosecuting the individuals guilty of genocide and serious violations of human rights and international humanitarian law.

The International Tribunal for the former Yugoslavia is currently dealing with very complex cases. We welcome the steps it has taken to meet the deadlines established by the completion strategy while respecting the fundamental principles of equity and due process. We are pleased that Bosnia and Herzegovina, Croatia and Serbia have continued to cooperate with the ICTY. Such cooperation on the part of States is essential if the Court is to be able to fulfil its mandate.

We note, however, that according to the Prosecutor's report (S/2014/351, annex II), the capacity of national institutions to prosecute war crimes effectively remains a source of concern, particularly in Bosnia and Herzegovina. We share the Prosecutor's concern about the slow progress with category II cases transferred to the Bosnia and Herzegovina authorities, as well as with other war crime cases, particularly those involving sexual violence. In that regard, we welcome measures taken by the Office of the Prosecutor to improve capacity-building through a joint training project with the European Union for national prosecutors and young professionals from the former Yugoslavia.

As regards Bosnia and Herzegovina, we commend the efforts of the European Union to strengthen available resources at the State and local levels to prosecute war crimes. We also welcome the training efforts by the Organization for Security and Cooperation in Europe in Bosnia and Herzegovina.

Last year, we marked the twentieth anniversary of the establishment of the ICTY. This year, we will mark the twentieth anniversary of the conception of the ICTR. Established on 8 November 1994 upon the request of Rwanda, the ICTR has played a critical role in prosecuting perpetrators of genocide. The ICTR is about to conclude its work, and the transition towards the International Residual Mechanism is under way. By the end of 2012, the first trials were concluded.

The Tribunal is now continuing with the appeal proceedings, which will be concluded, we hope, in 2015 with the delivery of a judgement in the Butare case. Three high-level fugitives are still being sought, and their arrest must remain a priority. They will be judged by the Residual Mechanism when they are apprehended. Cooperation among all States and the Tribunal and the Mechanism is an obligation under Security Council resolutions, and it is important that the Mechanism have the necessary support to successfully conduct its work.

Regarding assistance to the Tribunal, the pending issue of the resettlement of nine acquitted individuals and two others who were freed after serving their sentence and still live in Arusha, also has our full attention.

In establishing the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, the Security Council responded to the universal appeal that those responsible for the most serious crimes against the international community be brought to account for their actions. The International Criminal Court, a permanent court with international jurisdiction, has now assumed a key role, which ensures that justice will be served.

At a time when the work of both Tribunals is coming to a close, it is more important than ever for the Security Council to shoulder its responsibilities in putting an end to impunity and providing unwavering support to the International Criminal Court (ICC). The fact that the Security Council can refer situations to the ICC is a key tool in establishing responsibility and accountability. At a time when current events, in particular in Syria, demonstrate that widespread atrocities remain a challenge for the international community, the legacy of the ICTY and the ICTR should serve to warn perpetrators across the world that they will have to bear the consequences of the choices they have made, the measures they have taken, and the orders they have given.

I conclude by welcoming the fact that the two Tribunals are making available the lessons learned from their ground-breaking work so as to strengthen national capacities across the world and create an international justice system that is more effective.

**Mr. Lamek** (France) (*spoke in French*): I wish to thank President Meron, President Joensen, Prosecutor Jallow and Prosecutor Brammertz for their briefings.

France would like to express its appreciation to the entire staff of the Tribunals for the work they have done to bring the work of the Tribunals to completion. We have the sense that everything is being done to abide by the timetables so that the individual trials and for appeals in the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) can be conducted in satisfactory conditions. We also unreservedly support the extension of the mandates for the Prosecutors and Judges.

I would also like to take this opportunity to recall once again the contribution made by the two Tribunals in the fight against impunity. I would also like to note the road that lies ahead as we seek to ensure that the work of justice can continue and will not be undermined.

In 2013, we commemorated the twentieth anniversary of resolution 827 (1993), which established the International Criminal Tribunal for the Former Yugoslavia. In 20 years, the region has found a human face again. Dialogue continues under the aegis of the European Union, particularly between Belgrade and Pristina. The International Criminal Tribunal for the Former Yugoslavia, which has worked to protect rights, fight against impunity and uphold the right to memory, has played a major full role in those processes. Today it seems normal to see individuals like Mr. Karadžić and Mr. Hadžić being judged in court. No one thought years ago that they would have to answer for their crimes.

The work that remains to be done is primarily tasks that fall within the political and judicial responsibility of the countries of the former Yugoslavia. Political rhetoric, criticizing this or that judicial ruling, has no place in the rule of law, where the judiciary and its independence must always be respected. The trials of intermediary criminals will require strengthened efforts, both domestically and in the area of regional cooperation. The right of victims to respect is also essential.

With regard to the International Criminal Tribunal for Rwanda, in resolution 2150 (2014) the Council has commemorated the twentieth anniversary of the genocide. We welcome the fact that the resolution recognizes the contribution of the ICTR. The Tribunal has put justice at the centre of its concerns in the region. The ICTR continues its work, and efforts at the international level have continued, even in the Democratic Republic of the Congo. We are pleased to see that international criminal justice has been supported at the political level within the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region. That agreement is aimed at bolstering cooperation among the States of the region and at putting an end to decades of instability and mistrust that have led to great tension. We cannot be complacent, however. The civilian population in the Great Lakes region remains victimized by repeated waves of violence. Sexual violence continues on a large scale, and the Tribunals have tried to eliminate such actions. We must therefore remain vigilant.

The work of justice is the work of all of us. I should like to confirm that the trials are continuing in the two cases that have been sent to French jurisdictions, namely, those of Mr. Bucyibaruta and Mr. Munyeshyaka. The French authorities are proceeding very carefully in those cases. As the Council is aware, other cases against individuals accused of genocide are also before the courts. At the same time, France confirms its willingness to continue to support the ICTR and the Residual Mechanism, seeking responses to the challenge that they face and that we have been reminded of today: the relocation of those who have been acquitted or have served their sentences and the search for the nine fugitives sought by the ICTR — Félicien Kabuga, Augustin Bizimana and Protais Mpiranya, among others.

On the second point, France draws attention to the obligation of all States to cooperate with the Tribunal and the International Residual Mechanism for Criminal Tribunals. The three fugitives must be brought before the Residual Mechanism when they have been apprehended. We must ensure that the Mechanism has the appropriate resources to complete its mission.

The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have been fundamental for the United Nations in this era, which Mr. Ban Ki-moon has called the era of accountability. The work of the Tribunals is coming to

an end, but another permanent tribunal with universal jurisdiction exists, endowed with a statute that reflects the main judicial traditions, namely the International Criminal Court. I commend the unflagging support of the Secretary-General for the Court. We very much hope that such support will continue to be shown throughout the Secretariat in all departments and that each representative of the Secretary-General on the ground will provide an echo of that support.

France deeply regrets that some States have failed to avail themselves of the unique opportunity that we have with the International Criminal Court in pursuing all alleged authors of revolting crimes, and have been trying to reverse the course of history. Their presence today has given criminals and their protectors immunity. That is unfortunately the signal sent by two States represented at this table in exercising their veto on draft resolution S/2014/348, which referred the situation in Syria to the Prosecutor of the International Criminal Court.

In conclusion, I thank the Ambassador of Chile, Chair of the Informal Working Group on International Tribunals, his entire team, and the representatives of the International Criminal Tribunals and of the Office of Legal Affairs of the Secretariat for their efforts to implement the transition provided for by resolution 1966 (2010). The programme outlined to us by Mr. Barros Melet is ambitious, and we are ready to support it.

**Mr. Li Yongsheng** (China) (*spoke in Chinese*): I would first like to thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for their respective briefings on the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals. I would like to make the following four points.

First, with regard to the progress in the work on the completion strategy of both Tribunals, we note that, during the reporting period, the two Tribunals continued to make further progress, and we express our appreciation in that regard. Resolution 1966 (2010) establishes the time frame for the completion strategy of both Tribunals and calls on them to complete all their work by the end of 2014. However, according to the most recent reports of the two Tribunals (S/2014/350, annex, and S/2014/343, annex), the time frame set out by the Security Council cannot be achieved. The work of the ICTY will continue until 2017 and that of the ICTR

until 2015. We express our concern in that regard. We understand that there are multiple reasons for the delay. There are some additional issues to those foreseen by the two Tribunals. We hope that both Tribunals will continue to increase their efficiency while ensuring judicial fairness, overcome the difficulties in retaining staff, expedite their work and conclude their task as soon as possible. At the same time, we believe that the Security Council should conduct consultations as soon as possible on the programme of work of the two Tribunals beyond 2014 so as to find an appropriate solution.

Secondly, with regard to the transition, the branches of the International Residual Mechanism for Criminal Tribunals in Arusha and in The Hague started operations on July 2012 and July 2013, respectively. We are pleased to see that, owing to the relatively smooth transition of the two Tribunals to the Residual Mechanism, some judicial and administrative functions have been transferred. We express our appreciation in that regard. China hopes that the two Tribunals will carry out their work efficiently in accordance with the Security Council's resolutions. Particular attention should be given to strengthening communication and coordination with the Residual Mechanism in order to ensure a smooth transition to the Mechanism.

Thirdly, with respect to the cooperation of the relevant countries with the two Tribunals and the Mechanism, the cooperation of States, in particular those of the region, is crucial to the smooth functioning of the Tribunals and the Mechanism. We commend Serbia, Croatia, Bosnia and Herzegovina, Rwanda and the relevant regional countries for their cooperation with the Tribunals and the Mechanism on the investigations and the trials.

We also note that one of the most difficult issues that the ICTR faces is the relocation of those who have been acquitted and those who have served their sentences. We urge those countries that have the capacity to show the political will and actively consider assisting the ICTR in finding a solution to that issue. The ICTR should heed the views of Rwanda in that process. Moreover, there are still nine fugitives among those indicted by the ICTR. We hope that progress will soon be made towards finding the fugitives.

Fourthly, with respect to the assessment of the work of the two Tribunals, it has been 20 years or more since their establishment. They are now in the

final phase of completing their work. Before their closure, we should earnestly review and evaluate our experiences and lessons learned in fighting impunity and in addressing the link between maintaining peace and achieving national reconciliation and the pursuit of justice. The international community can draw lessons in that regard and use them as a reference.

In conclusion, I would like to take this opportunity to thank the Ambassador of Chile in his role as Chair of the Informal Working Group on International Tribunals and the Office of Legal Affairs of the United Nations for their work.

**Mr. McKell** (United Kingdom): At the outset, I would like to thank President Meron, President Joensen, Prosecutor Brammertz and Prosecutor Jallow for the reports that they have presented to the Council today. I would also like to reiterate the United Kingdom's continued support for the very important work being carried out by both Tribunals as independent judicial bodies.

With regard to the International Tribunal for the Former Yugoslavia (ICTY), we note that Serbia, Croatia, Bosnia and Herzegovina continue to cooperate with the Tribunal. Regional cooperation remains essential if the ICTY is to be able to complete its mandate and deliver justice for the many victims of the conflicts in the former Yugoslavia. We welcome the news that the judgements in the trials of Karadžić, Mladić and Hadžić are all expected to be handed down on the anticipated dates. We commend the Tribunal for its work to minimize delays.

We note that the Prosecutor's main concern is, once again, the slow progress of war crimes prosecutions by national institutions within the former Yugoslavia, particularly in Bosnia and Herzegovina. The Prosecutor's assessment that that poses a risk to the deadline specified by the Bosnia and Herzegovina National War Crimes Strategy is very valid. The timely completion of such cases should remain a top priority. The offices of the Bosnia and Herzegovina State, entity and cantonal prosecutors have received additional staff to help expedite those proceedings. The Prosecutor's Office is supported by the European Union, which is contributing €15.5 million through the Instrument for Pre-Accession Assistance to build capacity and to help reduce the processing backlog. It is hoped that the backlog will be reduced by 50 per cent over the course of five years.

Moving on to the International Criminal Tribunal for Rwanda (ICTR), 2014 marks the twentieth anniversary of the Rwandan genocide, which was a tragedy of global significance that has influenced the international community's approach to peacekeeping, mass atrocity prevention and international justice. Between April 1994 and July 1994, in 100 short days, approximately 1 million people were killed in the most horrific manner. Rwanda's transformation since those dark days has been truly astonishing.

We would like to take this opportunity to congratulate the ICTR ahead of its upcoming twentieth anniversary in November and to thank everyone involved in the Tribunal for their work to ensure that those most responsible for the Rwandan genocide be held accountable. The work of the ICTR has been fundamental in helping to deliver justice.

The apprehension of the nine fugitives remains a cause for serious concern. The ICTR's work cannot be completed until those individuals have been brought to justice. We continue to encourage all States to provide the ICTR with their full cooperation in order to ensure that all those fugitives are apprehended and face justice.

The problem of relocating the acquitted individuals from Arusha also remains unresolved. We thank and commend the ICTR for its continued efforts to try and resolve that issue. Once again, we encourage all parties to work together to try and find an acceptable solution as quickly as possible.

The United Kingdom greatly appreciates and supports the work of the ICTY and the ICTR on tackling crimes of sexual and gender-based violence. The Foreign Secretary of the United Kingdom has made ending sexual violence in conflict a priority and will host the Global Summit to End Sexual Violence in London from 10 to 13 June. It will be the largest summit ever held on the issue and will seek agreement by States to practical steps to shatter the cultural impunity surrounding crimes of sexual violence once and for all.

**Mr. DeLaurentis** (United States of America): I thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for their reports and, even more, for their dedication to global justice.

The recent debate over the Security Council's referral of the situation in Syria to the International Criminal Court shows that the struggle to hold accountable those responsible for mass atrocities is not

behind us. The four briefers have shown outstanding leadership in their efforts to end impunity and advance accountability. People everywhere are in their debt.

The United States has strongly supported the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) since their inception. The two courts have tried more than 200 defendants accused of genocide, war crimes and crimes against humanity, including top political and military leaders. It has been a complex and unprecedented undertaking, yet the Tribunals have demonstrated a commitment to fairness, impartiality and independence. Today we see, as demonstrated by the events in Syria, South Sudan, the Central African Republic and elsewhere, that mass atrocities still pose a challenge to the global community. We also see that the record provided by the ICTY and ICTR provides a warning to leaders that the choices they make and the orders they give can have serious personal consequences.

With the work of the Tribunals now nearing completion, the United States commends the efforts of the Presidents and Prosecutors of both Tribunals to transfer the remaining functions to the International Residual Mechanism for Criminal Tribunals. At the same time, we understand the need for flexibility and recognize that the exact closure dates will depend on the completion of ongoing and soon-to-begin trials and appeals.

Turning to the ICTY, we note with satisfaction that the Tribunal continues to focus on the completion of all trials and appeals, having rendered four appellate judgements between November 2013 and May 2014. We are pleased that the trial of Ratko Mladić is moving forward as forecast and that a judgement in the case of Radovan Karadžić is expected next year. Those two men are accused of being the architects of the Srebrenica genocide, the worst crime committed on European soil since the Second World War. Completing their trials will help to close the book on one of the most painful chapters in the history of the former Yugoslavia. We urge all Governments in the region to continue to work towards reconciliation, to avoid statements that inflame tensions and to continue to bring war criminals to justice in local courts.

Regarding the ICTR, we are pleased that the Tribunal has wrapped up its workload of trials and continues to complete appeals. The Mechanism in

Arusha opened in 2012 and has smoothly taken over most prosecutorial and judicial responsibilities.

The United States remains concerned, however, that nine ICTR fugitives remain at large. Those alleged mass murderers must be brought to trial, and the United States urges all Member States, especially those in the region, to cooperate with the Tribunal in the apprehension of those nine men. The United States continues to offer monetary rewards for information leading to their arrest, whether those individuals are prosecuted in the Mechanism or in Rwandan courts. We are working very closely with the ICTR tracking team, the Rwandan Government and INTERPOL to form an international task force later this year with a view to increasing collaboration in the search for those fugitives. We also call on regional Governments to work with the Tribunal on the relocation of several persons who have been acquitted by the ICTR or have served their sentences, but whose return to Rwanda is problematic.

We see the historic contributions that the two Tribunals have made to international criminal justice. They have brought to justice some of the most vicious criminals in the history of humankind. They have also assembled an historical record that will be publicly accessible and that will protect the truth from those who might in the future attempt to deny or distort it. They demonstrate that the world does not forget. Political and military leaders perpetrating atrocities today should ponder that lesson carefully.

**Ms. Ruiz Cerutti** (Argentina) (*spoke in Spanish*): Allow me to begin my statement by paying a sincere and well-deserved homage to Mrs. Carmen Argibay, on behalf of my country, Argentina, and of all the women and men who are fighting to eradicate violence of any kind committed against women in times of peace and in conflict situations. Mrs. Argibay passed away on 10 May 2014. She had been a judge on my country's Supreme Court since 2005. She was the first woman in the democratic history of Argentina to be appointed to the highest court of justice of our land. One of her first acts was to create a women's office in that court, so that gender-based crimes would not be invisible or enjoy impunity. She introduced into our country and our judicial system something that had been sown at the international level. In June 2001, she was appointed by the General Assembly as an ad-litem judge in the International Criminal Tribunal for the Former Yugoslavia (ICTY). There, she was a pioneer in getting

sexual violence committed against women classified as an international crime, as subsequently recognized in the Rome Statute. After she was arrested on 24 March 1976 by the civil-military dictatorship, she worked to ensure that the suffering of the victims and their right to truth, justice and reparations would never be forgotten. I thank you, Sir, for allowing me to pay tribute to her.

I would like to welcome, as always, the presence of Presidents Meron and Joensen and Prosecutors Jallow and Brammertz. I also welcome the presence of Judge Meron in his capacity as President of the International Residual Mechanism for Criminal Tribunals.

I take this opportunity to recognize Chile for its leadership of the Informal Working Group on International Tribunals.

After two decades of work, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (ICTR) are at the stage of completing their work, during which, according to the completion strategy adopted by the Council, they must complete their judicial work in accordance with the agreed deadlines by transferring cases and archives to the Residual Mechanism.

Argentina would like to recognize the reported progress in the work of the Tribunals and the way in which the Mechanism has begun its work.

As regards the ICTY, we note that court proceedings have been concluded for 141 of the 161 individuals charged and that there are no more cases of fugitives. The Tribunal has made progress in the completion of the nine cases that are pending. Of those, some will continue after the end of 2014. In that regard, it is imperative to take into account the circumstances that might influence the processing times for those cases. One is the remarkable challenge of the loss of or difficulty in retaining qualified staff at this stage prior to the final completion of the Tribunal's functions. We believe that, while resolution 1966 (2010) may have set ideal dates for the transfer of functions to the Residual Mechanism, the judicial function may, in itself, pose challenges owing to the complexity of the cases and the transitional situation that we are in. Therefore, just as it supported the call for the election of an additional judge for the Tribunal to be held expeditiously, Argentina will support the Security Council's renewal of the mandate of the judges and the Prosecutor of the ICTY.

However, my country also hopes the Council will reconsider measures that have already been requested

by the Court and that the General Assembly will then consider the issue in its Fifth Committee. For example, the Court requested the establishment of a working group at the United Nations to provide opportunities to absorb staff from the Tribunal and the granting of a special subsidy to prevent the early departure of such staff, who fear that their posts will be eliminated. Solutions must be provided and we are encouraged that the Informal Working Group on International Tribunals will be considering that issue.

We also appreciate the information provided by the ICTR with regard to the implementation of its completion strategy. The Tribunal has concluded its substantive work with respect to the entirety of the 93 accused, having concluded or being about to conclude the trials and appeals as expected. That leaves only the appeal in the *Butare* case to be concluded in 2015.

We recognize the apprehension of fugitives from the ICTR as a priority. The fact that nine ICTR defendants are still at large is not encouraging. Of those, three are still under the jurisdiction of the Mechanism and the Mechanism is in a position to try those individuals once they are arrested. However, arresting the fugitives — those who are under the jurisdiction of the Mechanism and those who have been transferred to the jurisdiction of Rwanda — will require the cooperation of all States pursuant to the obligations set forth in resolution 955 (1994).

I want to underscore the activities of both Tribunals in cooperating in areas of training in investigative and trial skills, including in sexual, sexist and gender-based violence.

With regard to the Residual Mechanism, Argentina underscores that both the subdivisions of Arusha and The Hague are operating and will be able to fully operate when both Tribunals close. We would like to also express our appreciation to the Government of Tanzania for supporting the Mechanism through the conclusion of the headquarters agreement, which recently entered into force, as well for the facilities provided for building the headquarters. I also want to recognize the support of the Netherlands for The Hague branch.

The international community should continue supporting the Tribunals' work — not only its judicial activities, but also its activities in the lives of those directly affected by that justice system. An important

aspect is that of reparations for victims. We welcome the conclusion of a memorandum of understanding with the International Organization for Migration to consider how to address the issue of reparations for victims of the Rwandan genocide. In that regard, the involvement of associations of victims and survivors, civil society and the Rwandan Government is encouraging.

On the other hand, there are also those who have been acquitted of their charges or who have served the sentences handed down by the Tribunal. Finding a State in which to relocate those people and providing them with documentation to fully enjoy civilian life and exercise their rights is a task that the Tribunal has been actively focused on. Although some people have been relocated, for others relocation has been very difficult. Argentina recognizes the importance of work of the Informal Working Group on International Tribunals, which continues to look at that issue to support those efforts. It is also important for the Security Council to encourage all Members of the Organization to do the same.

Commemorating the twentieth anniversary of the genocide in Rwanda and the creation of the ICTR, it is high time that the international community recognize the progress made in the fight against impunity that the ICTR and the ICTY have represented with their important doctrinal contributions to international law, in particular to international humanitarian law, and the role and importance of international criminal justice. Undeniably, the legacy of both ad hoc Tribunals in affirming the international community's awareness that there is no lasting peace without justice has been definitively consolidated with the establishment of a permanent international criminal tribunal — the International Criminal Court — which is today the centrepiece of the international community's criminal justice system as a whole. The system requires the commitment of all States, not just the States parties, as well as the United Nations.

In conclusion, I would once again like to pay tribute to the Judges, Prosecutors and staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

**Mr. Oh Joon** (Republic of Korea): I would like to thank the Russian presidency for holding this important meeting. I would like to also thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and the International

Residual Mechanism for Criminal Tribunals for their respective briefings.

The Republic of Korea appreciates and supports the efforts of the ICTY and the ICTR and the smooth transitioning activities of the Mechanism. We note that, as of now, 161 cases have been handled by the ICTY and 93 by the ICTR. We encourage the correct understanding of ensuring due process and fairness in prosecutions and trials. However, in some cases it has taken longer than expected for the defendant to be indicted and judged, such as in the *Mladić* and *Butare* cases. We would like to stress the importance of speedy completion by quoting the legal maxim: “Justice delayed is justice denied”.

We would also like to reiterate the importance of the residual work, such as the nine fugitive cases, contempt and false testimony cases, victims and witness protection and record archiving. To fulfil those mandates, mutual assistance and international cooperation are crucial. We also support resolution 2150 (2014), which calls upon all States to cooperate with the Mechanism in the arrest and prosecution of the remaining fugitives.

In transitioning to the Mechanism, we believe that the Presidents and the Registrars need to focus on the staff’s sustainability. The rich legacy of those international criminal justice bodies has to be preserved for prosperity. The ICTY, ICTR and the Mechanism are and will remain symbols of the international commitment to the fight against impunity and the milestone of reconciliation.

**Ms. King** (Australia): I would like to thank President Meron and President Joensen and Prosecutor Brammertz and Prosecutor Jallow for their thoughtful and informative briefings. I would like to acknowledge their commitment to the cause of international criminal justice. Their effective leadership of the Tribunals that we are discussing today makes a critical contribution to that cause.

This meeting provides us with a timely opportunity to reaffirm the international community’s support for the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and for the International Residual Mechanism for Criminal Tribunals and to acknowledge their vital contribution to international criminal accountability.

Established in response to some of the worst atrocities the international community had witnessed since the Second World War, both the ICTY and the ICTR were products of a firm conviction, on behalf of the Council and also the broader international community, that perpetrators of serious international crimes must be held to account for their actions, regardless of rank or position.

Over the past 20 years, the ICTY and ICTR have played a historic role in the fight against impunity, as was recognized by the Council in resolution 2150 (2014), adopted by consensus in April. The groundbreaking jurisprudence produced by the ICTY and the ICTR has been particularly significant, including its contribution to the understanding of sexual violence under international criminal law. Both the ICTY and ICTR recognize that sexual violence can constitute war crimes, crimes against humanity and a constituted act of genocide. That has had a lasting impact on understandings of and responses to sexual violence in situations of armed conflict. We also commend the efforts of both Tribunals to share lessons learned and best practices in the investigation and prosecution of serious international crimes with national authorities and the broader international community, including the International Criminal Court.

We welcome the progress reported this morning towards completion of the Tribunals’ mandates, including President Joensen’s advice that the huge task of transferring the ICTR’s archives to the Mechanism is on track to be completed by the end of this year and that only one appeal in the *Nyiramasuhuko et al.* (“*Butare*”) case is likely to extend into 2015. Similarly, we welcome President Meron’s advice on the delivery of two ICTY Appeals Chamber judgements earlier this year and we note his advice of expected delays in some other appeals. We appreciate the ongoing crucial support for the Tribunals from the Governments of the Netherlands and Tanzania and note that the agreement between the United Nations and Tanzania for the Arusha branch of the Mechanism’s headquarters has just entered into force.

We share the ICTR’s concern about the lack of progress with relocating the nine acquitted and three convicted and released persons still residing in safe houses in Arusha. We appreciate the concerted efforts of the President and Registrar to reach out to States to assist. We urge all Member States to cooperate with the ICTR on that matter and we support further



consideration of how the Council can best support the ICTR's efforts. Like others, we highlight the Council's renewed call in resolution 2150 (2014) for Member States to intensify cooperation with the Mechanism and with the Rwanda authorities to apprehend the remaining nine ICTR fugitives.

Notwithstanding the progress reported today, it is clear that the Tribunals will need to continue working beyond 2014, with some very important cases still before the ICTY. The continued support and cooperation of the international community, including by ensuring that the Tribunals have adequate resources, is essential to ensuring that the Tribunals can achieve the goals the Council has set for them and to secure their lasting legacy.

The Tribunals established by the Security Council we are discussing here today have been instrumental in the recovery process, following the devastating events in 1990s in both the former Yugoslavia and Rwanda. They demonstrate that the Council's role in ending impunity, including through its power to refer situations to the International Criminal Court, is crucial. The current commemoration of the twentieth anniversary of the Rwandan genocide must remain foremost in our minds as we consider and respond to the crises we face today. The devastating impact of the genocide should serve as a continual reminder of the consequences we may face if the Council fails to act to prevent mass atrocities. As we have heard this morning, ensuring accountability is a key element in restoring peace and stability. It is therefore clear that justice and accountability must play a central role in the Council's work.

Tragically, the Council's recent failure to exercise that responsibility in relation to Syria shows that we are not applying the clear lessons of history either consistently or justly. When presented with evidence that mass atrocities are being committed, the international community must unite in its message to those responsible that they will be held to account. More importantly, the Council has the authority to ensure that to be the case, and it should live up to its responsibility to use that authority.

**Prince Zeid Ra'ad Zeid Al-Hussein (Jordan):** We join all other members in welcoming warmly to the Security Council this morning Judge Theodor Meron, Judge Vagn Joensen, Prosecutor Serge Brammertz, and Prosecutor Hassan Bubacar Jallow. We also thank all of them for their important briefings to us and for their reports on the work of the Criminal Tribunals and on

the progress made regarding the implementation of the completion strategy in keeping with resolution 1534 (2004).

We have listened carefully to the briefers' thoughts and insights, and we welcome in particular President Meron's willingness to touch upon some broader reflections. Indeed, it is a pity the Security Council, the one non-judicial organ of the United Nations that undoubtedly produces law, spends so little to no time evaluating the jurisprudence of the Tribunals. Nor do we try to understand in detail what those courts have revealed over the course of their operations and then decide how best their discoveries can fit into an agreed recognizable formula needed for a permanent peace.

Instead, too much time is spent by us on the technical and administrative details of the work of the Tribunals, and it need not be so. The thematic debate the Council held late last year on the Tribunals (S/PV.7073) provided us with an indication of the sort of deeper analysis the Council can conduct, and indeed should conduct. If we are to focus on the administrative issues, it should only be where the challenges are considerable. I will get to those in a moment.

More fundamentally, we should concentrate on the question of how the work of the two Tribunals can be developed to ensure that their conclusions shape the conscience of the concerned communities. We recognize, of course, that crimes were indeed committed by individuals of all ethnicities, but we understand too that in two of the overall situations covered by the Tribunals, the huge lopsidedness in the overall volume and balance of crimes committed creates no moral equivalences in that respect.

While it is true that the Residual Mechanism, the referrals and subsequent national prosecutions will continue the work done judicially, and that in the years ahead there will likely be further outreach conducted by the United Nations building on the existing programmes, the jurisprudence and the establishment of fact and of truth must still be made to fit much more deliberately into the recovery architecture of the concerned societies. Denials of wrongdoing by a particular ethnic group or other are still detectable in respect of the crimes committed in the former Yugoslavia and in Rwanda, despite the weight of evidence underscoring no grounds for them. Naturally, in the case of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the *Šešelj*, *Karadžić*, *Mladić* and *Hadžić* trials still have to be concluded, and they will very much be part of

the centrepiece of the Tribunal's work. We therefore await the completion of the trials. We also join others in calling for the apprehension of the nine remaining fugitives in respect of the International Criminal Tribunal for Rwanda (ICTR).

Yet even before we end all outstanding criminal proceedings, if we are to achieve a permanent peace among all the concerned societies covered by the work of the two Tribunals there must be a seamless transition from the judicial operations mounted by the Security Council two decades ago to a more structured formation of historical accounts. What do we mean by that? To begin with, well-intended historical commissions need to be established. They need to cement the conclusions of the Tribunals drawn from the decisions handed down in the broader historical narratives. Those narratives must be threaded into precise algorithms designed to draw out a reckoning from the perpetrator and, where applicable, his or her broader community.

Without a genuine signature planted in the register of remorse by those individuals who have done much wrong and by their supporting communities, there can be no permanent peace — a temporary peace, even lasting decades, yes — but no permanent peace. Reckoning opens the gate to human compassion from which a reconciliation of a permanent character can begin to emerge. All of this must then be fed into the national curriculums of the countries concerned, curriculums that must themselves be wholly reconstructed to reflect the truth as they and we can best assess it. We hope that in the future the Council will focus more on these sorts of issues rather than the nitty-gritty of the completion strategies the Tribunals are pursuing.

That said, I began by saying that we should be discussing only the most pressing challenges. We agree with others who have said that those challenges consist, in the case of the ICTY, in finding lasting remedies to the issue of relocating witnesses and in ensuring progress in the category II cases in Bosnia and Herzegovina, and in finding safe and permanent homes for those acquitted, in the case of the ICTR. Those challenges are not rocket science, and they can be resolved; that is simply a matter of continued or expanded burden-sharing and will.

We also completely understand the struggle both Tribunals face on a daily basis as they work to fulfil their mandates while still needing a highly motivated set of skilled professionals at the heart of their operations. We urge the United Nations leadership to think creatively

about how to keep these officials in The Hague and Arusha until all remaining decisions have been dealt with. Such issues cannot be beyond our ability to solve.

Finally, we congratulate all four of the briefers on their outstanding achievements and the continuing extraordinary work being accomplished by the Tribunals and the Residual Mechanism.

**Mr. Ali Adoum** (Chad) (*spoke in French*): I would like to thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for their briefings to the Council, and I join previous speakers in commending the work of the ad hoc Tribunals, whose creation is a significant milestone in international relations that has paved the way for a new era in international criminal justice for serious violations of international human rights and crimes against humanity and in which they have made a contribution to international jurisprudence.

The victims of ethnic cleansing, genocide and other serious crimes have found their greatest support in them, however limited the number of cases may have been. Today the international community's expectations of justice are equal to the crimes perpetrated around the world, particularly on civilian populations. The impunity currently enjoyed by the perpetrators of crimes in South Sudan, Syria, the Central African Republic, Somalia and Libya should not undermine those expectations or be interpreted as an admission of powerlessness on the part of the international community, but rather should be seen as a sign that, more than ever, we must unite in order to find more effective ways of combating it.

Africa, where the worst of these atrocities are committed today, has an enormous task before it if it is to enjoy the benefits of peace and security without which overcoming its underdevelopment would be impossible. To achieve that, Africa has to be able to show that no crime committed on its soil shall go unpunished by making the ideal of justice its own, particularly for the generations dedicated to the demon of war. But there is a price to pay for justice, which should not be a reason to renounce it. The Special Court for Sierra Leone, created in 2002 and intended to last three years, did not truly accomplish its mission until 2013, long after the duration originally envisaged and having exceeded its initial budget four times over.

While the International Criminal Tribunal for Rwanda (ICTR) approaches the end of its mandate, the International Tribunal for the former Yugoslavia

(ICTY), on the other hand, will be unable to close its doors according to schedule owing to various judgements and arrests still under way, some of which will not be resolved until 2015 or 2017. That is clearly a setback to the established completion strategy. The fact that some principal perpetrators were not arrested until 2011 and the complexity of some cases explains most of these delays.

Apart from these difficulties, there have been some achievements since the last report, in December 2013 (S/2013/363), both in the framework of proceedings and in the execution of the completion strategy. New judgements and arrests have been made. The archives are being transferred. External relations have improved thanks to efforts to promote openness. Efficient use of staff, the activities of the Informal Working Group on International Tribunals and follow-up on cases both at trial and on appeal have resulted in gains both in time and means.

Furthermore, the transfer of cases and functions to national jurisdictions has gone smoothly, and the jurisdictions of the countries of the former Yugoslavia have cooperated well with the ICTY in trying mid-level and lower-level accused persons, except in some cases such as in Bosnia and Herzegovina. These jurisdictions continue to benefit from the support of the ICTY, particularly in strengthening their capability for trying international crimes. However, many questions are still hanging, chief among them the delays in meeting the completion strategy deadline.

Furthermore, the issues of witness protection and delivering support to the victims remain a major concern. Persons who have been acquitted or who have served out their punishment for the genocide in Rwanda have been unable to find countries willing to host them, and it is vital that we find a suitable solution to such enduring problems. It is deeply regrettable that the nine persons wanted by the ICTR have remained at large despite the search efforts of the International Residual Mechanism for Criminal Tribunals and the Tribunal itself. This situation emphasizes how weak the cooperation of States has been, a fact highlighted by most of today's speakers, particularly those in the areas of the Great Lakes region and southern Africa, where the search has been focused. The search for the three principal fugitives should receive special attention from the United Nations and the entire international community so that nobody, anywhere, suspected of genocide has the chance to find asylum.

The activities promoting awareness and information for the public on the role of the International Criminal Tribunals and international criminal law are very important, as much for ensuring that memories are kept alive as that justice is delivered to the victims, but the lack of financing threatens to put obstacles in the way of preserving these gains.

There are many difficulties on the road to completion of the ICTY's mission, but they should never undermine the hopes that have been born of international justice and the role it can play in maintaining international peace and security. On the other hand, the only case currently active in the ICTR will not be finished until 2015. The Tribunal should therefore take all necessary steps to complete its work on schedule, while taking into consideration the comments of the Rwandan Government.

**The President** (*spoke in Russian*): I will now make a statement in my national capacity.

I too would like to thank the Presidents and Prosecutors of the International Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals for their participation and their briefings.

Unfortunately, an acquaintance with the periodic reports of the ICTY and ICTR once more emphasizes the lack of progress both in the Tribunals' approach to their activities and in their completion and transfer of their secondary functions to the Residual Mechanism. At the beginning of the year, the ICTY issued appeal judgements in the *Dorđević* and *Šainović* cases. Indictments have been handed down against the backdrop of the recent acquittal in the very similar *Perišić* case.

In our view, problems have arisen that have a significant bearing on international criminal justice, involving in particular legal certainty and the application of a single standard of justice for all. Such an approach to judicial activity hardly enhances the legacy of the ICTY. There have been ongoing deferrals of the hearings in the *Stanišić*, *Župljanin* and *Šešelj* cases. We understand that the current situation is the result of the disqualification of Judge Harhoff. Nevertheless, we also understand that it is now time to overcome the consequences of that problem. We should not like to see his recusal become a long-standing pretext for dragging out the work of the ICTY. In that regard, I

recall the recent election of an additional judge to the ICTY. According to the Tribunal's report, that judge is working on only one case, while it had been planned that he would be assigned a heavier workload. The question arises as to whether it was genuinely necessary to add a judge to strengthen the personnel and effectiveness of the ICTY?

With respect to the ICTR, the time when that body was a model for the swift conclusion of its mandate has come and gone. Unfortunately, efforts to shorten the time frames for the consideration of the *Butare* case have not borne fruit. Against that backdrop, we rightly hope that there will be no new excuses for prolonging the activities of the ICTR. We recognize the gravity — first and foremost for the States of East Africa — of the issue of the resettlement of individuals acquitted in cases before the ICTR. That is a humanitarian problem. We support the efforts of the ICTR management and the Residual Mechanism in that respect, and call on them once again to pursue their work with a view to maximizing effectiveness.

The function of resettling acquitted individuals in safe countries should be transferred to the Residual Mechanism by the end of this year. The Tribunal's management would appear to understand that. We would warn against attempts to draw out the ICTR's work by retaining on its docket the so-called technical cases involving contempt of court or false testimony in cases that have already been transferred to the Residual Mechanism. Pursuant to resolution 1966 (2010), such cases should also be transferred expeditiously to the Residual Mechanism. No new Security Council resolution is needed to that effect. We stress once again that we remain committed to strict compliance with resolution 1966 (2010) and are not ready to consider reopening it under any pretext. We suggest that the work on transferring the archives to the Residual Mechanism should already be in full swing. No one is stopping the ICTR from starting to implement the liquidation plan, which is not dependent on the conclusion of the *Butare* case.

It has become very clear, as we approach the watershed moment for the Tribunals at the end of 2014, that attempts to establish pretexts for their ongoing functioning would taint the backdrop for December's discussions. Continuing the Tribunals' activities beyond 2014 would require independent external experts to look into the true state of affairs in the Tribunals in order to make specific recommendations to address the situation. We are pursuing relevant work to that end

with our colleagues in the Fifth Committee. We hope that by the end of the year we shall be able to avert any excessive complications.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Croatia.

**Mr. Drobnyak** (Croatia): At the outset, I would like to welcome the Presidents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), Judges Meron and Joensen, as well as Prosecutors Brammertz and Jallow, and to commend them for their important work.

We appreciate their briefings and comprehensive reports (S/2014/343, S/2014/350 and S/2014/351) on the work of the Tribunals and the International Residual Mechanism for Criminal Tribunals for the reporting period.

In the course of the 21 years since it was established, the ICTY has been highly praised for its remarkable achievements, as well as criticized, more than once, justifiably or not, with occasionally even its very existence put under question. So, it could be said that the important legacy of the Tribunal is still being scrutinized and is not entirely without flaws. However, that should in no way tarnish the historical record of the Tribunal, but should rather serve as an important lesson learned for the benefit of international criminal justice.

Croatia has been among those who have occasionally voiced criticism of the Tribunal. Nevertheless, we strongly believe that the ICTY has played an important historical role in the region and beyond, and we praise its work.

In that context, I would like to point out the following matters.

The establishment of the ICTY represented a breakthrough in the development of international criminal law. It has made valuable progress in the last two decades in improving international criminal procedures and in narrowing the impunity gap for international crimes. The experiences of the ICTY and ICTR were the starting point for the creation of the International Criminal Court (ICC), the work of which Croatia strongly supports.

The practice of the ICTY is important for the interpretation of international humanitarian law. In

that respect, we would like to particularly emphasize the contribution to international jurisprudence on sexual violence, as mentioned today by Prosecutor Brammertz. Before the establishment of the ICTY and the ICTR, sexual violence was a marginalized issue in international law. The ICTY established case precedents for the prosecution of rape as a crime against humanity, a war crime and an act of torture.

The ICTY has played an important part in establishing a judicial network for dealing with war-crime cases in the States that emerged from the former Yugoslavia. It was a paramount instrument against the culture of impunity, setting high standards of responsibility for war crimes, crimes against humanity and genocide. That has not only helped national courts to increase the quality of war-crime proceedings, but has also led to a general rise in legal awareness and the quality of the judiciary.

Last, but not least, let us not forget that the ICTY was established under resolution 877 (1993), unanimously adopted by the Security Council, under Chapter VII of the Charter of the United Nations, as a response to gross violations of human rights and humanitarian law and the horrendous scale of atrocities and human suffering. The Tribunal was created because it was the right thing to do, and there was sufficient political will on the part of the international community.

Can we say today that the same will is present in 2014 when we deal with war crimes and crimes against humanity in other parts of the world?

Croatia advocated for the establishment of the ICTY from the very beginning. We strongly supported the main purpose of the ICTY — the prosecution and punishment of individuals responsible for acts of genocide, war crimes and crimes against humanity, as well as the delivery of justice for the victims of those crimes. Croatia also supported the Tribunal's more global functions aimed at the restoration and maintenance of peace and stability in the region as well as the promotion of justice.

We believed then, as we believe today, that it is of the utmost importance to put an end to the culture of impunity and to ensure accountability for the most serious crimes, wherever they have been committed. It is precisely because of our own difficult experience that we believe that accountability should be ensured for the most serious crimes under international law, which are now being committed in ongoing conflicts, especially

in Syria. That is why we rendered our support to the initiative for the referral of that situation in Syria to the ICC.

One must always keep in mind that the Tribunal provided the victims the opportunity for their voice to be heard and their suffering to be recognized, respected and eased. Unfortunately, the establishment of the Tribunal did not stop or prevent future war crimes, including the genocide in Srebrenica, the worst massacre to occur on European soil since the Second World War. However, due to the existence of the Tribunal, some of those responsible for the crimes have been brought to justice. The voices of the victims are being heard and historical records established. That is not a small achievement.

In conclusion, Croatia welcomes the results achieved by the ICTY to date, especially the fact that all those indicted by the Tribunal have been arrested and transferred to its custody. However, the work of the Tribunal is not over yet. Some of those most responsible for the carnage, deaths and suffering are still waiting for the verdicts to be rendered. We hope that that will happen soon. Finally, let me reiterate our undisputable support for the work of both Tribunals.

**The President** (*spoke in Russian*): I give the floor to the representative of Bosnia and Herzegovina.

**Mrs. Anđelić** (Bosnia and Herzegovina): At the outset, allow me to welcome the Presidents and Prosecutors of both Tribunals and the International Residual Mechanism for Criminal Tribunals. I would also like to thank them for their comprehensive briefings on the activities of the Tribunals and the Residual Mechanism. Let me underscore the significant contribution of all the staff of the Tribunals and commend their efforts in the successful work and completion of the Tribunals' mandates.

Bosnia and Herzegovina welcomed the establishment of the International Tribunal for the Former Yugoslavia (ICTY) and has supported its work since the beginning. We have continuously increased our level of cooperation with the ICTY, including the Office of the Prosecutor, and will continue to do so. We hope that good cooperation with the Office of the Prosecutor of the Residual Mechanism will continue, as well. It is very important for the Tribunal to accomplish its completion strategy and transition to the Residual Mechanism. In that regard, the Mechanism should be able to undertake all necessary administrative and judicial work. We

welcome the decision that the Mechanism's staff should include nationals of 46 States, including Bosnia and Herzegovina.

With the aim of ensuring the prosecution of all suspected war criminals in the courts of Bosnia and Herzegovina, we continue to strengthen the justice system at both the State and the local levels. In 2013, the Constitutional Court of Bosnia and Herzegovina submitted 80 proposals for the transfer of proceedings to entity Prosecutor's Offices and courts. During the same year, 67 war crimes cases were referred from the entities and Brcko District to the Constitutional Court. Currently, 91 cases are being assessed as to the complexity of the war crimes. As of 4 February, the Office of the Prosecutor of Bosnia and Herzegovina was dealing with a total of 352 of the most complex war crimes cases against 3,309 individuals. The Prosecutor's Office estimates that the most complex war crimes cases will have been processed and completed by 2018.

Bosnia and Herzegovina adopted the National War Crimes Strategy on 29 December 2008, which was followed by the establishment of its implementation monitoring body in 2009. The majority of the Strategy's goals have been fully or partially implemented, but with a delay in the deadlines. The institutions at all State levels are participating in implementing the Strategy. To that end, we welcome the support of the European Union in the implementation of the Strategy's goals.

Both the ICTY and the International Criminal Tribunal for Rwanda have contributed to classifying sexual abuse as a crime against humanity. As a result, sexual abuse has become an integral part of the Statute of the International Criminal Court. Female judges and women in senior positions at the respective Office of the Prosecutor have made significant contributions to the effective prosecution of cases of sexual violence against women. In that respect, we welcome the decisions that 56 per cent of the Mechanism's professional staff and 53 per cent of its total staff should be women. Furthermore, we welcome the assistance of UN-Women, which sponsored a programme on prosecuting crimes of sexual violence.

The Tribunals' initiatives on support to and contact with victims' associations, such as during the conference in Sarajevo in November 2013, are steps in the right direction because victims and their families have waited long enough and, in some cases, are still waiting for the opportunity of redress and closure.

In order to preserve the records and archives of the ICTY and to ensure their accessibility in the future, we have proposed that an information centre be located in Bosnia and Herzegovina. That would have a very symbolic significance in serving future generations and as a constant reminder that violations of human rights and international humanitarian law should never be repeated. Today, information technology makes it possible for there to be no difference between the headquarters and branches of the information centre. We welcome the interest of Croatia and Serbia in such a project. We would like to encourage other countries in the region and beyond to participate in supporting the project. The legacy of the ICTY does not belong only to the countries concerned but to all humanity as the reminder and testimony of the justice achieved. We believe that the issue deserves further consideration in the spirit of regional cooperation and the inclusiveness of the United Nations.

Bosnia and Herzegovina continues to promote regional cooperation, most recently by signing the Protocol on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide with Montenegro on 26 April. That followed the signing of the protocols on the exchange of evidence and information on war crimes, concluded between the Office of the Prosecutor of Bosnia and Herzegovina and the Office of the Prosecutor of Serbia in January 2013 and the Office of the Prosecutor of Croatia in June 2013. The protocols define the channels for concluding any investigations concerning citizens of other countries.

**The President** (*spoke in Russian*): I now give the floor to the representative of Serbia.

**Mr. Milanović** (Serbia): Let me begin by welcoming the Presidents and the Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), two of whom are also officials of the International Residual Mechanism for Criminal Tribunals. I thank them for the reports that they submitted (S/2014/350, annex, and S/2014/313, annex), which we studied with great attention.

At the outset, I would like to express our appreciation of the acknowledgement of the continued high level of cooperation of the Republic of Serbia with the ICTY that the President and the Prosecutor mentioned in their reports. A partial testimony to that is the fact that there are no remaining fugitives and that

most of the 3,500 requests for assistance received from the Office of the Prosecutor or the defence counsels in accessing documents, archives and witnesses have been processed, with only those of a more recent date pending.

In that vein, I would like to express the commitment of the new Government of Serbia to continuing that successful cooperation with the ICTY and with the International Residual Mechanism. We hope that the remaining proceedings will be completed as planned, in particular given the duration and problems in completing certain cases, the length of detention of some indictees and the delay in appeal judgements in the cases of a number of sentenced persons.

Serbia is determined to make a contribution to regional peace and reconciliation in the firm belief that, to that end, the quest and respect for justice and fairness are of vital importance. We consider that, in that regard, regional cooperation is very important and that it must continue to be a priority.

We would therefore like to point out that the progress that has been achieved over the past year in the field of regional cooperation by Serbia in trying war crimes has been highlighted in the progress report on Serbia by the European Commission for 2013. Overall, 82 new pieces of information and evidence have been exchanged in cases of war crimes in the region, the highest progress recorded in regional cooperation so far. That cooperation is based on bilateral cooperation protocols between the prosecutorial offices of Serbia, Bosnia and Herzegovina and Croatia, as stated in the reports.

I would like to make special mention of the cooperation with the Prosecutor's Office of Bosnia and Herzegovina, due to which six new indictments have been raised. The cooperation in the exchange of data, information and evidence is taking place in 38 cases of war crimes and other criminal offences against international law through liaison officers in the two prosecutorial offices. Similarly, the cooperation with the State Attorney's Office of Croatia has been improved and should lead to the identification of new indictments. We are convinced that the new proceedings for war crimes will bring justice to a great number of victims.

To that end, the trying of war crimes within national jurisdictions is of paramount importance. In Serbia, the number of the cases tried in domestic

courts has increased considerably in the most recent period. The assistance provided to national judicial authorities by the Office of the Prosecutor for the purpose of strengthening national capacities has been very important. Special mention in this context should be made of the European Union/ICTY training project for national prosecutors and young professionals from the former Yugoslavia.

As I stated at the previous Security Council debate six months ago (see S/PV.7073), bearing in mind that Serbia is firmly committed to cooperation with the ICTY and the fact that 20 years have elapsed since its establishment, my country attaches great importance to the initiative that those convicted by the Tribunal in The Hague be allowed to serve their sentences in the States that emerged in the territory of the former Yugoslavia. In that context, let me recall that, since 2009, Serbia has requested to sign such an agreement with the ICTY and sought very actively to promote the initiative all along. Its officials have written to the United Nations and the ICTY on a number of occasions yet, regrettably, no progress has been made due to the fact that this question continues to be determined by the recommendation of the Secretary-General to the Security Council of May 1993, which states that the enforcement of sentences should take place outside the territory of the former Yugoslavia.

Without prejudging the recommendation of the Secretary-General and bearing in mind President Meron's statement in his report to the effect that the International Residual Mechanism is actively working to secure additional agreements to increase its enforcement capacity and welcomes the cooperation of States in that regard, Serbia would appreciate an opportunity to sign such an agreement.

Let me repeat that the results of the cooperation with the ICTY over the years indicate that my country takes this question seriously and that it is ready to accept international supervision of the enforcement of sentences and to provide all necessary guarantees. Let me also recall that the Republic of Serbia signed, on 20 January 2011, an agreement on the enforcement of criminal sentences with the International Criminal Court. Under the agreement, persons convicted before the Court for war crimes, crimes against humanity and genocide may serve their sentences in Serbia. My country has been the first country in South-East Europe to sign such an agreement, with the United Kingdom,

Austria, Belgium, Denmark and Finland being the only ones that did so before it.

I would like to take this opportunity to reiterate the readiness of Serbia for, and its interest in, addressing the question of the ICTY archives. We advised the Security Council of our official position on the matter in October 2008. My country is ready to participate actively in all future discussions and to continue to cooperate with the Informal Working Group on International Tribunals on this question. Also, as in the past, Serbia is ready to fulfil its obligations resulting from cooperation with the ICTY and the International Residual Mechanism.

Let me conclude by expressing my country's satisfaction concerning the progress made in the establishment of the operational capacities of the branch of the International Residual Mechanism in The Hague

over the past year. A successful commencement of work is of key importance to the implementation of the mission of the ICTY in accordance with its mandate, in particular in enabling the continued work of national judiciary in prosecuting war crimes. The international judicial system has a key role to play in the process and is duty-bound to make a contribution through full respect for international norms, human rights and the right to a fair hearing and defence. Let me point out once again that Serbia is committed to regional peace, stability and reconciliation.

**The President** (*spoke in Russian*): There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 1.05 p.m.*