

Annex II

Progress Report of Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals, provided to the Security Council under paragraph 16 of Security Council resolution 1966 (2010)

OVERVIEW	2
I. FUGITIVES	3
II. ASSISTANCE TO NATIONAL WAR CRIMES PROSECUTIONS.....	4
A. PROVISION OF EVIDENCE AND EXPERTISE TO NATIONAL PROSECUTORS.....	5
B. NATIONAL JUSTICE FOR CRIMES COMMITTED IN RWANDA	7
1. Rwanda Tribunal Completion Strategy	7
2. Fugitives.....	8
3. Cases Referred to France	8
4. Cases Referred to Rwanda	9
C. NATIONAL JUSTICE FOR CRIMES COMMITTED IN THE FORMER YUGOSLAVIA.....	9
1. Yugoslavia Tribunal Completion Strategy	9
2. Regional Judicial Cooperation	9
3. Bosnia and Herzegovina	10
4. Croatia.....	12
5. Montenegro	13
6. Serbia	14
D. DENIAL AND GLORIFICATION	16
1. Rwanda	16
2. Former Yugoslavia	16
E. MISSING PERSONS	17
F. CAPACITY BUILDING	18
III. OTHER RESIDUAL FUNCTIONS	18
IV. MANAGEMENT	19
V. CONCLUSION.....	19

OVERVIEW

1. The Prosecutor submits this 24th progress report pursuant to Security Council resolution 1966 (2010), covering developments between 16 November 2023 and 15 May 2024.

2. In the previous reporting period, the Office of the Prosecutor (OTP) of the Mechanism completed one of its most important residual functions, the expeditious prosecution of core crime trials and appeals. During the present reporting period, OTP completed a second of its strategic priorities, namely locating and accounting for the remaining fugitives indicted by ICTR. On 15 May 2024, the OTP's Fugitive Tracking Team announced that it had confirmed the deaths of Ryandikayo and Charles Sikubwabo. These were the final ICTR fugitives remaining at large. The OTP is pleased that all ICTR and ICTY fugitives have been accounted for, and that this critical residual function has now been brought to a successful conclusion. At the same time, it should be emphasized that there are still more than 1,000 fugitive *génocidaires*. At the request of the Prosecutor General of Rwanda, the OTP will assist national partners to locate and bring such fugitives to justice.

3. During the reporting period, the OTP continued to advance its other two strategic priorities, assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda, and effectively litigating mandated residual matters.

4. Regarding national prosecutions of war crimes committed in Rwanda, during the reporting period the OTP provided assistance to twenty-seven national cases. The commemoration of the thirtieth anniversary of the 1994 Genocide against the Tutsi in Rwanda is a reminder that there are still more than one thousand accused who have not yet been prosecuted for their alleged crimes. Cooperation between the OTP, the Prosecutor General of Rwanda and other national prosecutors to address this accountability gap continues to strengthen and increase. During the reporting period, the OTP – at the request of the Prosecutor General of Rwanda – handed over evidence and prepared investigative dossiers, while also providing direct support to ongoing investigations. More justice for crimes committed during the 1994 Genocide against the Tutsi in Rwanda is still urgently needed. In furtherance of Article 28(3) of the Statute and the ICTR Completion Strategy, the OTP will continue providing needed support to the accountability process.

5. Regarding national prosecutions of war crimes committed in the former Yugoslavia, during the reporting period the OTP provided assistance to sixty-seven national cases, in support of the further implementation of the ICTY Completion Strategy. With the completion of the final ICTY case in 2023, further accountability for the crimes now depends fully on national judiciaries in the countries of the former Yugoslavia. During the reporting period, the OTP continued to respond to a wide range of requests for assistance from national prosecutors. In addition to searching its evidence collection, the OTP is responding to requests for direct case assistance, which entails providing legal, investigative and prosecutorial support to ongoing cases. The OTP is also on request reviewing its evidence and preparing investigative dossiers concerning notable accountability gaps for national prosecutors to utilize. Finally, the OTP continued its efforts to improve regional judicial cooperation in war crimes cases. All these efforts, pursuant to Article 28(3) of the Statute, are highly valued by national prosecutors in the region and produce meaningful results in the justice process.

6. In managing its work, the OTP continued to be guided by the Security Council's views and requests as set forth in, *inter alia*, paragraphs 18, 19 and 20 of resolution 2256 (2015) and paragraphs 7 and 8 of resolution 2422 (2018). The OTP continued to manage its work appropriately and efficiently during the reporting period.

I. FUGITIVES

7. During the reporting period, the OTP closed the final two remaining fugitive files, thereby completing this residual function.

8. From 2020 to the present, the OTP accounted for the whereabouts of all eight outstanding ICTR fugitives. The OTP arrested two fugitives, Félicien Kabuga in Paris, France in May 2020, and Fulgence Kayishema in Paarl, South Africa in May 2023. The OTP further confirmed the deaths of another six fugitives, Augustin Bizimana, Protais Mpiranya, Phénéas Munyarugarama, Aloys Ndimbati, Ryandikayo and Charles Sikubwabo.

9. These results follow from the improved methodologies and practices instituted by the Prosecutor following his appointment. These include the use of advanced investigative techniques, such as financial, telecommunications and social media information, and intensive diplomatic engagement to build operational cooperation. The appointment of a new leader of the Tracking Team and the redeployment of the Chief of Staff to serve as co-leader were further of decisive importance. The Fugitive Tracking Team confronted many significant challenges, including difficulties securing cooperation, sophisticated methods used by the fugitives to conceal their identities and locations and the passage of time. To overcome these challenges, the OTP's Fugitive Tracking Team undertook analysis-driven investigations exploiting multi-source evidence with both traditional and leading-edge methodologies.

10. On 15 May 2024, the OTP's Fugitive Tracking Team announced that it had confirmed the death of Charles Sikubwabo. Sikubwabo, who was indicted in November 1995, was charged with genocide, complicity in genocide, conspiracy to commit genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity. Together with ICTR convicts Elizaphan Ntakirutimana and Gérard Ntakirutimana, Sikubwabo was alleged to have led attacks on 16 April 1994 against Tutsi refugees at the Mugonero Complex in Kibuye prefecture, which comprised a church, hospital and other buildings. As a result, hundreds of refugees were murdered and a large number wounded. For the next several months, Sikubwabo then led searches for survivors and attacks against them when they were found. Sikubwabo was also alleged to have participated in massacres at the Catholic Church and the Home St. Jean complex in Kibuye town, the Stadium in Kibuye town, the Church in Mubuga, and at locations throughout the Bisesero area, which resulted in the murder of thousands of Tutsis. These crimes were adjudicated by the ICTR in the cases against Clement Kayishema, Ignace Bagilishema, Vincent Rutaganira, Mika Muhimana and Obed Ruzindana.

11. In July 1994, Sikubwabo and his family fled Rwanda for then-Zaire, now the Democratic Republic of Congo (DRC), where they resided in Kashusha camp. In November 1996, as a result of combat activities between forces of the Rwandan Army and ethnic Hutu militias along the Rwanda-DRC border, Sikubwabo and his family fled westwards. Sikubwabo was separated from his wife and small children, who ultimately returned to Rwanda, while Sikubwabo travelled to the Republic of Congo and Central African Republic before ultimately arriving in Chad in around late 1997. Following a comprehensive

investigation, the OTP was able to conclude that Sikubwabo passed away in N'djamena, Chad, in 1998 and was subsequently buried there. The funeral was attended by a small number of individuals, and Sikubwabo was interned in an unmarked grave at a local public cemetery. The cemetery was then damaged due to extensive flooding later that year and in subsequent years.

12. Also on 15 May 2024, the OTP's Fugitive Tracking Team announced that it had confirmed the death of Ryandikayo. Ryandikayo was first indicted by the ICTR in November 1995, together with many others, for crimes committed in Kibuye prefecture. He was charged with seven counts of genocide, complicity in genocide, conspiracy to commit genocide, murder as a crime against humanity, extermination as a crime against humanity, rape as a crime against humanity and persecution as a crime against humanity. Together with ICTR convicts Clement Kayishema, Mika Muhimana, Vincent Rutaganira and ICTR accused Charles Sikubwabo, Ryandikayo was alleged to have committed crimes against Tutsis in Gishyita commune from as early as 7 April 1994, including at the Mubuga dispensary, the Murangara Church and the Mubuga Church. Ryandikayo was also alleged to have instigated and participated in massacres at locations throughout the Bisesero area, which resulted in the murder of thousands of Tutsis.

13. In July 1994, Ryandikayo fled Rwanda for then-Zaire, now the Democratic Republic of Congo ("DRC"). In November 1996, he was residing in Kashusha camp, but, as a result of combat activities in the area, Ryandikayo fled westwards, as did many other ethnic Hutu Rwandan men. Ryandikayo was already suffering health issues prior to his departure from Rwanda in July 1994, which were exacerbated during the arduous journey he made. He fled to a camp in the Republic of Congo, where he was recruited to serve in the ethnic Hutu armed militia that later became the *Forces démocratiques de libération du Rwanda* (FDLR). He then travelled to Kinshasa, DRC for this purpose. Following a challenging investigation, the OTP was able to conclude that Ryandikayo passed away in 1998, most likely due to illness, sometime after arriving in Kinshasa.

14. The Security Council entrusted the OTP with the critical mandate to account for all remaining fugitives indicted by the ICTR. By achieving that mandate, the United Nations demonstrated that impunity for serious international crimes will not be tolerated. The OTP remains grateful to the Security Council, the United Nations and the international community for their long-standing support to this critical work.

15. However, while all ICTR fugitives have now been accounted for, it is critical to note that there are still more than one thousand fugitive *génocidaires* who are sought by national authorities. Locating them will be a challenge, as it was for the ICTR and ICTY. At the request of national partners, including the Prosecutor General of Rwanda, the OTP will continue to provide essential assistance to their efforts to bring these individuals to justice. This work cannot stop until all perpetrators of international crimes during the 1994 Genocide against the Tutsi in Rwanda have been brought to justice.

II. ASSISTANCE TO NATIONAL WAR CRIMES PROSECUTIONS

16. National prosecutions remain essential to achieving greater justice for the victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda. The effective prosecution of these crimes is fundamental to building and sustaining the rule of law, establishing the truth of what occurred and promoting reconciliation in the

affected countries. Third-party States are also undertaking prosecutions against suspects who are present in their territory for crimes committed in Rwanda and the former Yugoslavia.

17. The Office of the Prosecutor is mandated to assist and support national prosecutions of these crimes, in accordance with the Completion Strategies of the ICTR and ICTY, resolution 1966 (2010) and the Mechanism Statute. During the reporting period, the OTP continued to receive a high volume of requests for assistance (RFA) from national judiciaries and international organizations. These RFAs address three related areas where support from the OTP is needed: first, requests for access to evidence and information (REI); second, requests for substantive legal, investigative and prosecutorial direct case assistance, including through the preparation and transfer of investigation dossiers (DCA); third, requests for assistance in resolving strategic and/or cross-cutting issues affecting the accountability process, including the challenges of fugitives and international cooperation.

18. The OTP further continued to monitor and assess the implementation of the ICTR and ICTY Completion Strategies and national justice processes, including cases referred by the ICTR under Rule 11*bis*, so-called “Category II” cases transferred by the ICTY and related cases initiated by national prosecutors. The OTP provides strategic advice, feedback and support to national prosecution services and justice sectors to assist them to meet their immense responsibilities and the legitimate expectations of victims. As well, the OTP continued to assist and engage with a range of stakeholders concerning issues directly related to the accountability process such as denial and glorification, missing persons and capacity building.

A. Provision of Evidence and Expertise to National Prosecutors

19. Pursuant to Article 28(3) of the Statute, the OTP is mandated to respond to requests from national authorities for assistance in relation to justice for international crimes committed in Rwanda and the former Yugoslavia. During the reporting period, in implementing this mandate, the OTP provided assistance to a total of ninety-four case files.

20. National authorities desire, require and request such assistance because the OTP possesses extensive evidence and invaluable expertise that can greatly benefit national justice efforts. The Yugoslavia-related evidence collection comprises more than nine million pages of documents, tens of thousands of hours of audio and video records and thousands of artefacts, most of which was not introduced into evidence in any proceeding before the ICTY and thus is only available from the OTP. The Rwanda-related evidence collection comprises more than one million pages of documents. These large evidence collections are partly available remotely. In addition, OTP staff members have unique insight into the crimes and the cases that can assist national prosecutors to prepare and prove their indictments.

21. The volume and complexity of requests for assistance received, as well as the wide range of authorities who are submitting requests for assistance, clearly demonstrate both the large number of cases still to be processed and that continued assistance from the OTP is vital for greater accountability.

22. During the reporting period, the OTP intensively consulted with national prosecutors in Rwanda and the former Yugoslavia to discuss their needs and the provision of assistance from the OTP to national criminal cases.

23. In relation to Rwanda, the OTP, the National Public Prosecution Authority of Rwanda (NPPA) and the *Parquet national antiterroriste* of France convened a trilateral meeting to discuss their respective efforts to achieve more accountability for crimes committed during the 1994 Genocide against the Tutsi in Rwanda. It was agreed that moving forward, it will be essential for prosecutors from the three offices to further increase their direct operational cooperation on specific cases, including through the exchange of evidence and coordinated investigations. The OTP was further requested to provide expanded assistance to Rwandan and French counterparts, particularly by sharing its knowledge and expertise. Prosecutors from all three offices held further technical discussions on identified priority cases, which will be an opportunity to realize enhanced cooperation in practice. In addition, as previously reported, the NPPA and OTP agreed to identify a list of the highest priority cases, and during the reporting period worked closely together to advance the goal of significantly increasing the number of accused brought to trial. This cooperation involves assisting the NPPA to track and locate priority accused, review the evidence supporting the charges, plan and conduct investigations as required and engage with other national authorities to extradite the accused or transfer the relevant case file.

24. During the reporting period, pursuant to its cooperation with the NPPA and other national prosecution services, the OTP received twenty-nine RFAs concerning crimes committed in Rwanda from seven Member States. Nine requests were from France, eight requests were from Rwanda, four requests were from Norway, three requests were from the United States, two requests were from the United Kingdom, two requests were from Canada and one request was from Belgium. In total, the OTP handed over 1,332 documents comprising approximately 60,000 pages of evidence and sixty-two audio-visual records. In addition, the OTP identified 192 witnesses and confirmed the whereabouts of forty-eight witnesses to support national authorities.

25. With respect to requests for access to evidence, the OTP received nine REIs from six Member States. In total, the OTP handed over 154 documents comprising approximately 5,000 pages of evidence.

26. With respect to DCA requests concerning Rwanda, during the reporting period the OTP provided legal, evidentiary, and strategic assistance with respect to twenty DCA requests from six Member States. This entailed presenting to the NPPA investigative leads regarding three individuals suspected of genocide and other international crimes who were identified in the course of OTP fugitive tracking investigations, and providing intelligence and evidence concerning the whereabouts of five fugitives currently being sought by the NPPA. Additionally, the OTP transferred one investigative dossier and one information report to national prosecutors. This work further entailed forty-nine operational meetings with national counterparts and two training and mentoring sessions for the NPPA.

27. In relation to the former Yugoslavia, the OTP continued to engage with national prosecutors from Bosnia and Herzegovina, Serbia and Montenegro regarding their efforts to investigate and prosecute the more than 1,000 war crimes suspects whose cases still need to be processed. In February, the OTP hosted the Montenegrin task force for two days of intensive discussions concerning ongoing investigations in Montenegro based on the investigative dossier previously handed-over by the OTP. In April, the OTP visited Sarajevo for operational discussions with the Prosecutor's Office of Bosnia and Herzegovina concerning their ongoing investigations in priority cases. In March and April, the OTP visited Belgrade for discussions with the Serbian Public War Crimes Prosecutor's Office concerning ongoing investigations and prosecutions. In May, the OTP visited the Prosecutor's Office of

the Federation of Bosnia and Herzegovina and several cantonal prosecution services to discuss further cooperation.

28. During the reporting period, the OTP received 167 RFAs concerning crimes committed in the former Yugoslavia from seven Member States. 141 requests for assistance were submitted by authorities in Bosnia and Herzegovina, ten were from the United States, seven were from Montenegro, five were from Serbia and two were from the Netherlands.

29. With respect to requests for access to evidence, the OTP received 150 REIs from six Member States. In total, the OTP handed over more than 4,300 documents comprising more than 160,000 pages of evidence and forty-nine audio-visual records, and shared additional information with national authorities. In addition, the OTP filed three submissions related to witness protective measures and/or access to evidence in support of national authorities.

30. With respect to DCA requests concerning the former Yugoslavia, during the reporting period, the OTP provided legal, evidentiary and strategic assistance with respect to nineteen DCAs from four Member States. This work entailed eight memoranda and analytical reports, and fourteen operational meetings, as well as the transfer of 262 documents comprising 7,115 pages of material, and forty-two audio-visual files. Upon the request of Member States, the OTP used its good offices to secure the cooperation of witnesses for their national proceedings.

31. The significant growth in requests for assistance received by the OTP was not met in recent years by contemporaneous increases in related resources. As a result, a backlog of RFAs older than six months developed. That backlog has been reduced from 280 in 2021 to forty-six as of 15 May 2024. To avoid critical risk to the success of national investigations and prosecutions, as well as the search for missing persons, it is vital for the OTP to receive support for its reasonable resource requests to meet its mandate under Article 28(3) of the Statute.

B. National Justice for Crimes Committed in Rwanda

1. Rwanda Tribunal Completion Strategy

32. The completion of ICTR and Mechanism trials is not an end to the justice process for the victims of the 1994 Genocide against the Tutsi in Rwanda. All those who participated in the Genocide must be held accountable.

33. National authorities now have primary responsibility for the continued implementation of the ICTR's Completion Strategy. Courts in countries around the world continue to process cases of international crimes committed during the Rwandan genocide. Consistent with the principle of complementarity and national ownership of post-conflict accountability, prosecutions by the Rwandan justice sector in accordance with international due process and fair trial standards are in principle the most advantageous accountability mechanism.

34. The prior success of the ICTR and Rwandan domestic efforts may give a misleading impression that justice for crimes committed during the 1994 Genocide against the Tutsi has largely been achieved. In reality, there are still many cases that still need to be processed, and many Rwandan victims are still waiting for justice. The OTP strongly supports continued

efforts by the Prosecutor General of Rwanda to ensure that all those responsible for genocide are held accountable. The OTP further works with law enforcement and prosecutorial authorities in third-party countries around the world to detect, and extradite or prosecute, suspected *génocidaires*.

2. Fugitives

35. The Prosecutor General of Rwanda is currently searching for more than a thousand fugitives. In the course of its activities to track the remaining fugitives under its jurisdiction and provide assistance to national authorities, the OTP has been identifying additional persons who may be reasonably suspected to be responsible for participating in the 1994 Genocide against the Tutsi in Rwanda. Similarly, law enforcement and prosecutorial authorities as well as civil society and others also continue to identify such persons, particularly in Europe.

36. That so many suspected perpetrators of genocide have fled to third-countries where they enjoy seeming impunity should be of significant concern. Victims and survivors of the Genocide cannot understand how those who wronged them now live in new homes in new countries. It is evident that there has been and continues to be extensive and ongoing abuse of the refugee process by Rwandan nationals who have provided false or misleading information concerning their activities during the 1994 Genocide against the Tutsi in Rwanda and/or with the *Forces démocratiques de libération du Rwanda* (FDLR).

37. At the request of the Prosecutor General of Rwanda, the OTP is providing vital assistance to find solutions to this ongoing challenge, including by supporting national efforts to locate, investigate and prosecute Rwandan nationals suspected of genocide, particularly those living outside Rwanda.

38. It is essential that those who bear individual criminal responsibility for crimes committed during the 1994 Genocide against the Tutsi in Rwanda are investigated, located prosecuted. Thirty years after the genocide, significant steps towards justice have been achieved, but more remains to be done. The OTP stands ready to provide support and assistance to Rwandan authorities as well as other national justice sectors. The OTP calls upon all Member States to ensure that all possible efforts are undertaken to continue the implementation of the ICTR Completion Strategy and support more justice for more victims of the Rwandan genocide.

3. Cases Referred to France

39. Laurent Bucyibaruta, *préfet* of Gikongoro *prefecture*, was indicted by the ICTR in June 2005 on six counts of genocide, direct and public incitement to commit genocide, complicity in genocide, extermination as a crime against humanity, murder as a crime against humanity and rape as a crime against humanity. The indictment was referred by the ICTR to France for trial on 20 November 2007, as Bucyibaruta had already been located in France. The investigation by French authorities was completed in 2018.

40. The trial proceedings commenced on 9 May 2022. On 12 July 2022, Bucyibaruta was convicted of complicity in genocide and crimes against humanity and sentenced to twenty years of imprisonment. Bucyibaruta passed away on 6 December 2023, while his appeal of

his conviction was pending. This brings to a close the two indictments referred to France for trial.

4. Cases Referred to Rwanda

41. Following his arrest on 24 May 2023, Fulgence Kayishema will be brought to trial in Rwanda, as his case was referred to Rwanda by the ICTR on 22 February 2012. The operative Arrest Warrant provides that Kayishema shall be initially transferred to the custody of the Mechanism in Arusha, from where he will then be transferred to Rwanda.

42. The OTP regrets that Kayishema remains in custody in South Africa and there is not yet a timeline for his transfer to the Mechanism consistent with the operative Arrest Warrant. Relevant legal proceedings are underway in South Africa, but have been repeatedly delayed. Hearings were conducted before the High Court in Cape Town last year, and then postponed to March this year. The case has now been further postponed until August 2024. The OTP strongly encourages South Africa to promptly carry out its international legal obligations under the Statute and transfer Kayishema to the Mechanism's custody so that he can then be transferred to Rwanda for trial. The victims have already waited thirty years for justice, and it is incumbent on South African authorities to ensure that they do not have to wait longer.

C. National Justice for Crimes Committed in the Former Yugoslavia

1. Yugoslavia Tribunal Completion Strategy

43. As the Office of the Prosecutor of the ICTY emphasised in its final Completion Strategy report (S/2017/1001), the ICTY's Completion Strategy has always foreseen that the completion of ICTY and Mechanism trials would not be the end of justice for war crimes committed in the former Yugoslavia, but the beginning of the next chapter. Further accountability for the crimes now depends fully on national authorities in the countries of the former Yugoslavia. The ICTY's work has created a solid foundation for national judiciaries to continue implementing the Completion Strategy and securing more justice for more victims.

44. National judiciaries have achieved progress in accountability for war crimes, albeit unevenly between different countries. Looking forward, national judiciaries continue to face a very large backlog of war crimes cases to process, with several thousand cases remaining across the region. Most importantly, much more remains to be done to bring to justice senior- and mid-level suspects who worked together with or were subordinate to senior war criminals prosecuted and convicted by the ICTY.

2. Regional Judicial Cooperation

45. Judicial cooperation between the countries of the former Yugoslavia is essential to ensure that those responsible for war crimes are held accountable. Many suspects are not present in the territory where they are alleged to have committed the crimes, and extradition is blocked. Cooperation to transfer investigations and indictments is thus essential to achieve justice. As reported in the Mechanism's thirteenth (S/2018/1033) progress report, regional judicial cooperation in war crimes matters between the countries of the former Yugoslavia has been at its lowest level in recent years.

46. Together with regional prosecutors and authorities, the OTP has been working intensively over the last several years to reverse this trend. As noted in the twenty-first progress report (S/2022/866), these efforts continue to generate notable improvements in regional cooperation in war crimes cases between Bosnia and Herzegovina, Montenegro and Serbia. However, cooperation remains challenging with Croatia, due to political interference in the justice process and a policy to not provide judicial cooperation in war crimes cases.

47. In its previous reports, the OTP noted the need for countries of the former Yugoslavia to register criminal convictions entered by the ICTY and the Mechanism into domestic criminal records. This is a matter that is important for the rule of law, reconciliation, and stability in the former Yugoslavia. The OTP welcomes Serbia's confirmation that all ICTY judgments related to Serbian nationals have now been registered in their domestic criminal records. As previously reported, Croatia has registered many ICTY judgments in its domestic criminal records. While no judgments from the ICTY or the Mechanism have been recorded domestically in Bosnia and Herzegovina, the OTP hopes to report in the next period that the process has been completed.

48. More remains to be done to strengthen regional judicial cooperation in war crimes cases. There are hundreds of cases, including complex cases against senior- and mid-level accused, that need to be transferred from Bosnia and Herzegovina for prosecution elsewhere, predominately in Croatia and Serbia. The OTP has begun to engage with Croatian and Serbian authorities to facilitate and expedite this process. In the cases already transferred through regional judicial cooperation, there is a notable trend of victims and witnesses failing to appear to testify in courts in neighbouring countries. While this trend is understandably attributable to the frailty of many witnesses due to old age and illness, it also reflects a measure of distrust in regional accountability efforts. Prosecutors, judges and other justice authorities all have vital responsibilities to move forward and facilitate this process, build witnesses' understanding of the transfer process and improve their confidence in the proceedings in order to ensure justice for the victims. The number of cases transferred and witnesses appearing in trials will demonstrate whether they are meeting these responsibilities.

49. Cooperation between Croatia and Serbia is another critical area where the absence of cooperation is near total. The OTP has previously noted the standstill in long-standing bilateral negotiations between Croatia and Serbia to establish agreement on a framework for war crimes cases, including in the Mechanism's fourteenth progress report (S/2019/417). The *status quo* only ensures effective impunity and is untenable. It is deeply regrettable that rather than cooperate, prosecutors in both countries initiate *in absentia* proceedings against accused whose whereabouts are well-known. The OTP reiterates its willingness to assist in finding a solution so that the transfer of cases between these two countries can finally begin.

50. The OTP urges prosecution offices, judiciaries and justice ministries throughout the former Yugoslavia to urgently and proactively ensure that regional judicial cooperation in war crimes matters gets on the right track.

3. Bosnia and Herzegovina

51. The OTP continued its close cooperation with the Prosecutor's Office of Bosnia and Herzegovina, including through assistance on concrete cases, strategic support and activities to transfer lessons learned.

52. In this reporting period, the Prosecutor's Office of Bosnia and Herzegovina filed nine indictments against forty-one suspects, while eighteen cases against 326 persons were terminated or closed due to insufficient evidence. The Prosecutor's Office of Bosnia and Herzegovina further transferred one case against one suspect to a foreign country, while two cases against two suspects were transferred to entity level prosecution services. The remaining backlog at the Prosecutor's Office of Bosnia and Herzegovina consists of 249 cases against 2621 persons. Of these, 124 cases against 771 persons are under investigation; the remaining cases are in the pre-investigative phase.

53. The OTP is committed to continuing to support the work of the Prosecutor's Office of Bosnia and Herzegovina, particularly in the mutual goal of successfully implementing the National War Crimes Strategy. The OTP is already providing direct case assistance to the Prosecutor's Office of Bosnia and Herzegovina, as well as responding to large numbers of requests for assistance. The OTP continues to develop this collaboration and cooperation in three key areas.

54. First, there is a significant backlog of more than 116 investigations in Bosnia and Herzegovina that concern 345 suspects known to reside outside Bosnia and Herzegovina, primarily in Serbia and Croatia. In addition, there are forty-six confirmed indictments in Bosnia and Herzegovina that concern fifty-two accused known to reside outside Bosnia and Herzegovina, again primarily in Serbia and Croatia. That is a total of approximately 400 individuals suspected of or indicted for war crimes who need to be extradited to Bosnia and Herzegovina or prosecuted in their country of current residence. The OTP is working to facilitate the transfer of these proceedings, in particular key cases and files involving senior- and mid-level officials, to the jurisdictions where the suspects or accused reside for further processing. The OTP hopes to report on concrete progress in this area in the next reporting period.

55. Second, the OTP continues to collaborate with Prosecutor's Office of Bosnia and Herzegovina to advance its ongoing investigations and prosecutions. In 2023, the Chief Prosecutor of Bosnia and Herzegovina identified twenty-four priority cases with the goal of completing investigations and issuing prosecutorial decisions before the end of the year. During the reporting period, the OTP directly assisted the Prosecutor's Office of Bosnia and Herzegovina with a number of these priority investigations and has provided legal and analytical memoranda, evidentiary materials including 128 documents totalling 3,357 pages and 24 audiovisual files, and strategic advice. Overall, the Prosecutor's Office of Bosnia and Herzegovina issued ten indictments. A remaining eleven investigations continue to be worked on as a priority in 2024. In March 2024, the Chief Prosecutor added an additional nine cases to the list of priority cases for this year. In April, representatives of the OTP had meetings with line prosecutors responsible for the 2024 priority cases and made plans for providing support on those cases.

56. Third, there are still significant impunity gaps that remain to be addressed by the Prosecutor's Office of Bosnia and Herzegovina. As previously reported, in response to a request from the Prosecutor's Office of Bosnia and Herzegovina the OTP is preparing an investigative dossier for one notable crime base for which further prosecutions are urgently needed. The OTP's work on the dossier is underway and intensive collaboration with Bosnian prosecutors on this matter in the coming period is expected.

57. Overall, and taking into account the Completion Strategy of the ICTY, the next few years will be critical to delivering more justice for war crimes in Bosnia and Herzegovina.

There remains a significant backlog of cases to investigate and prosecute, and it is clear that the remaining cases are likely to be amongst the most challenging. Completing this work, even under ideal circumstances, will take many years, and the passage of time only heightens the urgency to work more expeditiously. The OTP and the Prosecutor's Office of Bosnia and Herzegovina will also continue to strengthen their cooperation.

4. Croatia

58. During the reporting period, the OTP continued to engage with the Croatian State Attorney's Office and the Ministry of Justice. On 22 and 23 April 2024, representatives of the OTP conducted meetings with the Croatian Ministry of Justice and the Croatian State Attorney's Office in Zagreb.

59. Over the last decade, Croatia's cooperation with national judiciaries in the region on war crimes cases has significantly worsened, and the efforts of the Croatian justice sector have concentrated on *in absentia* prosecutions of ethnic Serbs. As a result, Croatian victims are not receiving meaningful justice, while Croatian perpetrators continue to enjoy impunity.

60. In previous reports dating back a number of years, the OTP has highlighted the large backlog of pending requests for assistance submitted to Croatian authorities. This backlog developed as a result of Croatian policy to not provide cooperation to other countries in the region with respect to war crimes cases concerning suspects who are Croatian nationals. This situation appeared last year to have finally been resolved. In its twenty-second progress report (S/2023/357), the OTP positively noted that the Croatian Ministry of Justice had committed to process all pending requests for assistance from Bosnia and Herzegovina.

61. However, one year later, prosecutorial authorities from all levels in Bosnia and Herzegovina have informed the OTP that the backlog of pending requests for assistance submitted to Croatian authorities has not decreased but in fact has risen to almost ninety requests as of the end of this reporting period. Prosecutors from Bosnia and Herzegovina have further confirmed that this situation is obstructing the processing of investigations and trials. Croatian authorities have acknowledged this information and did not indicate whether they were taking any steps to resolve the issue, consistent with prior commitments.

62. Croatia's failure to provide the requested assistance impedes regional judicial cooperation and has the effect of promoting impunity for crimes committed by Croatian nationals in Bosnia and Herzegovina. The majority of these outstanding requests relate to direct perpetrators who murdered, abducted, raped, detained and committed other crimes. It is difficult to understand why Croatia is failing to provide assistance and contribute to securing justice for the victims of these crimes.

63. If Croatia eventually addresses the large backlog of pending requests from Bosnia and Herzegovina, this will only be the first step in the justice process. The approximately 100 related cases will need to be transferred to Croatia for trial, as Croatia will not extradite these suspects to Bosnia and Herzegovina. This is a significant volume of cases for any national prosecution service, which will require extensive work, resources and time to process. The Croatian State Attorney's Office confirmed that it does not have the capacity to deal with these cases. The OTP raised this matter with the Ministry of Justice as requiring serious attention. The OTP urges Croatian authorities to develop appropriate plans to streamline the

transfer of these cases, prioritize them and ensure that sufficient resources in the Croatian justice sector are assigned to them.

64. For a decade, war crimes justice for victims of crimes committed by Croatian nationals residing in Croatia has largely come to a standstill. The time lost cannot now be regained. In the interests of the victims, it is incumbent on Croatian authorities to dramatically improve the situation and ensure that the approximately 100 cases are expeditiously investigated and prosecuted.

65. Relatedly, the OTP has been monitoring three Category II cases that were transferred to Croatia from Bosnia and Herzegovina almost five years ago. Those cases, which are supported by a wealth of evidence from the ICTY, remain in the investigation phase. The OTP urges the Croatian State Attorney to ensure that prosecutorial decisions are made expeditiously, and reiterates its past offers to assist.

66. Overall, and taking into account the Completion Strategy of the ICTY, in Croatia war crimes accountability is far from being on the right track. The OTP calls upon the Croatian Government to serve as the model it should be, live up to its international obligations and secure justice for the many victims who are still desperately waiting to see accountability for those who perpetrated crimes against them.

5. Montenegro

67. The OTP has continued its engagement with Montenegrin authorities, and in February 2024 had meetings with the Minister of Justice and members of the Special State Prosecutor's Office.

68. At the request of Montenegrin authorities, the OTP has over the last few years developed its assistance to Montenegro in relation to justice for war crimes committed in the conflicts in the former Yugoslavia. While to date, insufficient justice for war crimes has been achieved in Montenegro and challenges remain, promising efforts are being made to implement Montenegro's commitment to achieving accountability for war crimes.

69. The Special State Prosecutor's Office currently has six war crimes cases in the pre-investigative phase. Three relate to crimes committed in Bosnia and Herzegovina, and three relate to war crimes committed in Croatia. There is currently one case in the investigative phase. One case against one accused is currently at trial.

70. During this reporting period, the OTP continued to provide extensive support to the Special State Prosecutor's Office in relation to the two investigative dossiers the OTP previously transferred. The joint task force comprising Montenegrin war crimes prosecutors and investigators and the OTP has been formed and commenced its operations with its first technical meeting on 14-15 February 2024. Productive discussions were held, and concrete steps were taken to move these investigations forward. The first file the OTP transferred is in the pre-investigative phase and is progressing. As regards the second file, the Special State Prosecutor's Office formally opened an investigation and detained the suspect in question. The OTP welcomes the Special State Prosecutor's allocation of additional staff to handle these and other war crimes cases, and encourages Montenegrin authorities to ensure the Special State Prosecutor's Office and Montenegrin judiciary have the means to carry out their responsibilities effectively and expeditiously. The OTP will continue to provide the necessary assistance to the Special State Prosecutor's Office and looks forward to positive results.

71. Important reforms in domestic law to support war crimes justice are needed to ensure the successful prosecution of war crimes cases in Montenegro. The OTP hopes to report in the next period that legislative reforms allowing for the introduction of evidence from the ICTY and the Mechanism in Montenegrin proceedings have been adopted by Parliament. As previously reported, legislative amendments to facilitate the effective prosecution of conflict-related sexual violence cases are also urgently needed and proposed amendments are presently under consideration. The OTP will continue to provide requested support to ensure progress in these and other important areas.

72. While war crimes justice in Montenegro is only beginning, Montenegrin authorities have accepted that far more needs to be done, and have made clear commitments towards achieving more accountability for war crimes. Positive steps have already been taken, and cooperation between the OTP and Special State Prosecutor's Office is at a very high level. The OTP hopes to be able to report in the future that war crimes justice in Montenegro is achieving concrete results.

6. Serbia

73. The OTP continued its engagement and cooperation with Serbian authorities. OTP representatives visited Belgrade on 24 and 25 April 2024 and held open discussions with the Minister of Justice, the Minister of European Integration and the Chief War Crimes Prosecutor of Serbia.

74. Nearly eight years ago, in its ninth progress report (S/2016/975), the OTP reported that war crimes justice in Serbia was at a crossroads. In February 2016, the National War Crimes Strategy was adopted, which committed Serbian authorities to improve accountability for war crimes and identified steps to be taken to achieve that goal. It was anticipated that more prosecutions would commence, particularly against senior- and mid-level officials, and that trials would be conducted expeditiously, effectively and in accordance with international law.

75. Although some positive steps have been taken in the intervening period, progress has been limited and more determined efforts in Serbia are needed to meaningfully advance justice for war crimes.

76. Notwithstanding the adoption of the Prosecutorial Strategy, as well as the allocation of additional human resources to the Serbian War Crimes Prosecution Office as reported in the OTP's thirteenth progress report (S/2018/1033), the processing of war crimes cases since 2016 has not yet yielded expected results. A review of the prioritisation of cases and allocation of resources, and an increase in the pace of proceedings, are urgently needed. Over the last eight years, the number of prosecutions initiated has been low, with indictments issued predominantly against low-level direct perpetrators. Moreover, significant investigative resources have been devoted to cases involving unavailable suspects, even though a significant number of suspects, including senior- and mid-level officials, are available in Serbia for investigation and prosecution. More vigorous efforts are needed to ensure more complex cases against available suspects are prosecuted at a higher rate and higher quality.

77. Protracted proceedings are exacerbating delays in the processing of war crimes cases in Serbia. The OTP notes with concern the slow pace of the ongoing proceedings in its two

Category II cases transferred to Serbia from Bosnia and Herzegovina. Very few witnesses have been heard even after a number of years, and based on current sitting schedules, there is no realistic prospect these trials will be concluded within a reasonable timeframe. This challenge is magnified by the fact that one of the accused is of advanced age. The OTP encourages Serbian authorities to improve the efficiency of their proceedings, including by increasing the frequency of court hearings, and to enhance conditions for the participation and protection of witnesses to achieve greater results in the processing of war crimes cases. Victims and survivors have legitimate expectations for justice to be delivered without undue delay.

78. At the same time, suspected war criminals continue to find safe haven in Serbia. As regularly reported in previous reports of the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and the OTP of the Mechanism, beginning with the completion strategy report of the Tribunal dated 19 November 2014 (S/2014/827), the enforcement of Novak Djukić's conviction entered by the Court of Bosnia and Herzegovina is still unresolved. In another Category II case, previously reported on (S/2021/955), Mirko Vručinić who in 2020 absconded before the completion of his trial in Bosnia and Herzegovina, continues to enjoy impunity in Serbia. Likewise, Milomir Savčić, who was standing trial in Bosnia and Herzegovina for his alleged involvement in the Srebrenica genocide, fled to Serbia where he remains free. Serbian authorities' inaction in the face of this state of affairs and, on occasion, decisions to grant citizenship to known suspects, call into question Serbia's commitment to war crimes justice, the rule of law and regional judicial cooperation.

79. During the reporting period, the Serbian War Crimes Prosecutor's Office issued three new indictments against four accused, all in cases that were transferred from Bosnia and Herzegovina. As of the end of the reporting period, the Serbian War Crimes Prosecutor's Office has thirty open investigations against eighty-four suspects and eighteen ongoing war crimes trials involving thirty-eight accused. Three first instance judgments, including in one *in absentia* case, were issued during the reporting period. One of these judgments concerns a case that has been ongoing for fourteen years.

80. The OTP continues to actively work with the Serbian War Crimes Prosecutor's Office to expedite and improve the processing of complex war crimes cases in Serbia. In relation to the files previously handed over by the OTP, the Serbian War Crimes Prosecutor's Office has formally opened investigations in relation to two suspects. The OTP hopes to report that the ongoing investigation of a third suspect will be concluded in the next reporting period. As regards the previously transferred file concerning Milenko Živanović, a former commander of the Drina Corps of the Bosnian Serb Army and the highest-ranking person in Serbia to be charged with war crimes, the trial continues. While steps are being taken to move these investigations and prosecutions forward, challenges remain. The OTP will continue to support the Serbian War Crimes Prosecutor's Office to overcome these obstacles and ensure the successful resolution of these important cases.

81. While results have been limited in the last eight years, the Serbian War Crimes Prosecutor's Office has demonstrated their ability to initiate proceedings against senior- and mid-level officials and establish effective cooperation with regional partners, particularly with Bosnia and Herzegovina. It is critical that Serbian authorities build on these positive steps to address the substantial backlog of cases, in particular complex cases involving high- and mid-level officials residing in Serbia. Additionally, there are more than one hundred cases that will need to be transferred from Bosnia and Herzegovina to Serbia for prosecution.

The OTP encourages Serbian authorities to review and optimize the efficiency and effectiveness of relevant practices and procedures. Substantial accountability gaps remain. The victims, the public and other stakeholders rightly hope to see concrete advancements demonstrating a will to realize the commitments made in the National War Crimes Strategy. The OTP hopes to report on tangible results and more meaningful progress over the next reporting periods.

D. Denial and Glorification

1. Rwanda

82. In 2006, the Appeals Chamber of the ICTR held that the facts of the genocide committed in Rwanda were established beyond any dispute and thus constituted facts of common knowledge. In particular, the Appeals Chamber concluded that it was a universally known fact that, between 6 April 1994 and 17 July 1994, there was a genocide in Rwanda against the Tutsi ethnic group. Establishing that and other facts about the Rwandan genocide was one of the ICTR's most important contributions to re-establishing peace and security in Rwanda and promoting reconciliation between the affected communities.

83. Yet today, genocide denial continues. Efforts to minimise the scale of the death and destruction, or detract attention from the judicially-established facts of the genocide, are intolerable and unacceptable. There are no other facts or circumstances that in any way alter the truth that over just 100 days in Rwanda, hundreds of thousands of innocents were senselessly targeted, murdered, tortured, raped and forced to flee their homes because they were Tutsi. Genocide ideology continues to present clear risks to international peace and security. Ideologies of discrimination, division and hate are factors promoting conflict and crimes in places around the globe.

84. The OTP firmly rejects genocide denial, and is committed to promoting education and remembrance as key tools in the fight against genocide ideology. The Prosecutor continues to highlight the importance of these efforts. The OTP further reiterates its commitment to vigorously investigate and prosecute those who interfere with witnesses with the aim to falsely undermine the established facts of the genocide committed in Rwanda.

2. Former Yugoslavia

85. The OTP has regularly reported that the denial of crimes and the non-acceptance of facts established in the judgments of the ICTY are widespread throughout the region of the former Yugoslavia. Convicted war criminals are often glorified as heroes. Students in different countries, including within Bosnia and Herzegovina itself, are taught widely different and irreconcilable versions of the recent past. Anniversaries of crimes committed during the conflict, which should be used as opportunities for remembrance and reconciliation, are often co-opted to promote denial, revisionism and the glorification of war criminals. Throughout the region, convicted war criminals regularly appear in the media, at roundtables and at other public events as experts and featured speakers. The OTP has expressed its grave concern in this regard and called for urgent attention to those issues. Acceptance of the truth of the recent past is the foundation for reconciliation and healing between communities in the former Yugoslavia.

86. Negative developments continued unabated during the reporting period. In Croatia, the President again decorated several suspected war criminals, including individuals identified as perpetrators in ICTY judgments. Croatian authorities have still not investigated these suspects, and such public decorations by the Head of State can only be expected to have a chilling effect on the justice process. In the Republika Srpska, the President continued to deny the Srebrenica Genocide. In Serbia, several governmental officials publicly and forcefully denied the Srebrenica Genocide and glorified convicted war criminals. Such statements emanating from the highest authorities embolden others, including convicted and suspected war criminals, to persist with their denials of war crimes, revisionism and glorification. As examples of this permission structure, during this reporting period, Vladimir Lazarević continued to deny judicially established crimes committed in Kosovo for which he was convicted. Similarly, Tomislav Kovač and Svetozar Andrić, the former indicted in Bosnia and Herzegovina and the latter a known suspect, took part in the promotion of a war time unit that was responsible for the murder of more than one thousand men during the Srebrenica Genocide. Meanwhile, cities throughout Serbia remain covered with murals of Ratko Mladić; more than 300 have now been counted, most of them in Belgrade.

87. These are not the words and acts of the margins, but of the political and cultural centres of the region's societies. The glorification of war criminals and revisionist denials of recent atrocities have been mainstreamed to a shocking degree, encouraged and supported by leaders from all communities.

88. The OTP calls upon all officials and public figures in the region to act responsibly and put the victims and civilian suffering at the forefront in all activities. They should publicly condemn the denial of crimes and glorification of war criminals, rather than engaging in denial and glorification and supporting such efforts with public rhetoric, divisive actions and funds. A break with the rhetoric of the past is long overdue, and leadership in favour of reconciliation and peacebuilding is urgently needed.

E. Missing Persons

89. The search for persons still missing from the conflicts in the former Yugoslavia continues to be consistently identified as one of the most important outstanding issues. Significant results have been achieved, with approximately 30,000 missing persons found and identified. Unfortunately, the families of more than 12,000 missing persons still do not know the fates and whereabouts of their loved ones. The search for and exhumation of remains from mass graves and the subsequent identification of the remains need to be accelerated. Further progress on these issues is a humanitarian imperative and fundamental to reconciliation in the former Yugoslavia. Missing persons from all sides of the conflicts must be located, identified and returned to their families.

90. During the reporting period, the OTP and the International Committee of the Red Cross (ICRC) continued their cooperation pursuant to the Memorandum of Understanding signed in October 2018. This important agreement enables the ICRC to access the OTP's evidence collection to obtain information that may assist for purely humanitarian purposes in clarifying the fate and whereabouts of persons who are still missing. The OTP and the ICRC are also working jointly, in accordance with their respective mandates, to analyse information, identify new leads and provide files to domestic missing persons authorities for action. From 16 November 2023 to 15 May 2024, the OTP responded to ninety-nine requests for assistance from the ICRC, and handed over 1,100 documents comprising nearly 48,000

pages as well as four audio-visual records. The OTP further continued to provide extensive investigative assistance and operational support to national authorities searching for missing persons.

91. Support provided by the OTP contributed to the overall process of clarifying the fate and whereabouts of missing persons. During the reporting period, information from the OTP assisted in locating four grave sites where at least seven individuals were exhumed. The identification process with DNA is ongoing. Furthermore, the information from the OTP assisted in clarifying the fate and whereabouts of additional sixteen missing persons. Overall, in the five and a half years since initiating its cooperation with the ICRC in October 2018, the OTP has searched for information in its evidence collection concerning approximately 11,300 missing persons.

F. Capacity Building

92. The OTP continued its efforts, within its existing limited resources, to build capacity in national judiciaries prosecuting war crimes. The OTP's focus is on the Great Lakes region and the former Yugoslavia. Strengthening national capacities supports the principle of complementarity and national ownership of post-conflict accountability. During the reporting period, the OTP conducted a training on conflict-related sexual violence for prosecutors and investigating judges from Côte d'Ivoire, the Central African Republic, the Democratic Republic of Congo, Mali, Niger and Senegal. The OTP also conducted a training on the prosecution of conflict-related sexual violence crimes for prosecutors from Mozambique. These trainings were financed by the Rule of Law program of the Konrad Adenauer Stiftung.

93. Within the limits of its operational capacity and existing resources, the OTP will continue to engage with training providers and donors to ensure that appropriate practical training on investigative and prosecutorial techniques in war crimes justice is made available. The OTP expresses its deep gratitude to partners for providing financial, logistical and other support to enable the OTP's capacity-building and training efforts.

III. OTHER RESIDUAL FUNCTIONS

94. During the reporting period, the Prosecution responded to a voluminous request for review in the *Ntakirutimana* case, which required significant resources and efforts. It is notable that the convict who is seeking review has already completed his sentence. The Prosecution also continues to participate in the limited proceedings that remain ongoing concerning Kabuga's provisional release.

95. In its twenty-first progress report (S/2022/866), the OTP noted challenges that are arising in the application of Rule 86 of the Mechanism Rules of Procedure and Evidence. Rule 86 governs the variation of protective measures granted to ICTR, ICTY and Mechanism witnesses to enable national prosecutors and courts to access that evidence. As the OTP noted, in the course of their own investigations, national investigators and prosecutors often realize that an ICTR, ICTY or Mechanism protected witness provided testimony critical to those investigations. To obtain access to that evidence, the national prosecutor must then file a motion under Rule 86 of the Mechanism Rules of Procedure and Evidence.

96. National counterparts have informed the OTP that in many situations, Rule 86 motions have been denied and national prosecutors have not been granted access to the

evidence of protected witnesses. In some situations, the case was delayed, but national prosecutors were able to find alternative witnesses to assist in their investigations and prosecutions. In other situations, however, the national investigation was ultimately suspended or charges for some crimes were dropped because there was insufficient evidence without the evidence of the ICTR, ICTY or Mechanism protected witness.

97. The OTP continues to believe that the protection of witnesses and assistance to national jurisdictions are complementary functions, particularly as national authorities already have primary responsibility in practice for safeguarding protected ICTR, ICTY and Mechanism witnesses. The OTP further recognizes that national prosecutors cannot meet their responsibilities and victims' desire for justice without full support from the Mechanism. The OTP will continue to engage internally to ensure that the Mechanism finds solutions to ensure access to Mechanism evidence and promote more justice for victims and survivors.

IV. MANAGEMENT

98. The Office of the Prosecutor is committed to managing its staff and resources in line with the Security Council's instructions that the Mechanism be a "small, temporary and efficient structure". The OTP continues to be guided by the Security Council's views and requests as set forth in, *inter alia*, paragraphs 18, 19 and 20 of resolution 2256 (2015), paragraphs 7 and 8 of resolution 2422 (2018) and paragraphs 7, 9 and 10 of resolution 2637 (2022). An important part of those efforts is the Prosecutor's "One Office" policy to integrate the staff and resources of the OTP across both branches. Under this policy, staff and resources are available to be flexibly deployed to work on matters arising from either branch as necessary.

99. The OTP has reduced its resources and staff consistent with the completion of the final case transferred from the ICTR, *Kabuga*, and the completion of fugitive tracking. By 30 June 2024, the OTP will have downsized one P-5, 3 P-4, 6 P-3 and 4 P-2 positions, as well as 2 FS, 5 GS/OL and 4 GS/LL. This followed additional reductions in 2023 following the delivery of the *Stanišić and Simatović* Appeal Judgement.

100. As the OTP continues to maintain "lean" staffing, the OTP is regularly confronting workloads that exceed its resources, placing a heavy burden on staff. As the OTP cannot defer mandated activities, particularly when national partners are relying upon the OTP to support the expeditious completion of their investigations and prosecutions, OTP staff members have been required to take on additional responsibilities and work extensive hours. The OTP is grateful for the continued dedication and commitment of its staff. Nonetheless, the OTP underscores that full approval of its limited budget requests is necessary to ensure the achievement of the OTP's mandated functions.

V. CONCLUSION

101. During the reporting period, the Office of the Prosecutor completed a second residual function by accounting for the whereabouts of all fugitives indicted by the ICTR. The OTP is pleased to have brought this work to successful conclusion, and is grateful for the Security Council's long-standing attention to this issue. However, while all ICTR fugitives have now been accounted for, it is critical to note that there are still more than one thousand fugitive *génocidaires* who are sought by national authorities. Locating them will be a challenge, as it

was for the ICTR and ICTY. At the request of national partners, including the Prosecutor General of Rwanda, the OTP will continue to provide essential assistance to their efforts to bring these individuals to justice. This work cannot stop until all perpetrators of crimes during the 1994 Genocide against the Tutsi in Rwanda have been brought to justice.

102. The Prosecutor General of Rwanda and national war crimes prosecutors in the former Yugoslavia continue to emphasize that assistance from the OTP is vital and necessary for them to investigate and prosecute more cases in national courts. Rwandan authorities are still seeking to bring to justice more than 1,000 fugitive *génocidaires*, while prosecutors in the former Yugoslavia still have more than 1,000 suspected war criminals to investigate and prosecute. By responding to requests for assistance and providing a wide range of legal, investigative, prosecutorial and strategic support, the OTP enables Member States to achieve more justice for the crimes committed, implement their national priorities and strengthen the rule of law.

103. In all of its endeavours, the Office of the Prosecutor relies upon and gratefully acknowledges the support of the international community and especially of the Security Council of the United Nations.