



*The International Residual Mechanism for Criminal Tribunals ("Mechanism") was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda ("ICTR") and the International Criminal Tribunal for the former Yugoslavia ("ICTY") which closed in 2015 and 2017, respectively*

## STATEMENT

PRESIDENT

*(Exclusively for the use of the media. Not an official document)*

### Address to the United Nations Security Council Judge Graciela Gatti Santana President, International Residual Mechanism for Criminal Tribunals 10 December 2024

**Thank you very much, Mr. President.**

Allow me to congratulate you on assuming the Presidency of the Security Council and to express my profound gratitude for the support the International Residual Mechanism for Criminal Tribunals has received from the Council. I wish to also acknowledge the outgoing Council members – namely Ecuador, Japan, Malta, Mozambique and Switzerland. You have been key partners, particularly during the last biennial review process that led to the renewal of the Mechanism's mandate in June.

**Mr. President,  
Excellencies,  
Ladies and Gentlemen,**

I am honored to present to you the Mechanism's twenty-fifth progress report today, on Human Rights Day. I am doing so also just weeks after the Sixth Committee's decision to take historic action towards adopting an international convention to govern the prevention and punishment of crimes against humanity. More than 30 years ago, the Security Council laid the groundwork for this important accomplishment by establishing international criminal tribunals for the former Yugoslavia and Rwanda, whose statutes codified crimes against humanity and whose judgements extensively elaborated on their elements. Because of this Council's decisive action to reign in impunity then, the collective conscience can reference the judicially established facts and jurisprudence of these Tribunals to assist in identifying and preventing crimes against humanity today.

**Mr. President,**

Since I addressed this esteemed body six months ago, the Mechanism has advanced with a clear focus. As reported, the Mechanism continues to have substantial work in connection with its residual mandated functions, given their unprecedented scope, and such activity will be ongoing in the near term. However, we are delivering justice in line with our statutory obligations, are doing so efficiently, and with a completion mindset. I would like to start by giving some examples of judicial activity that make this plain.



The ability to seek review of a final conviction is a fundamental right under the International Covenant on Civil and Political Rights, which this Council enshrined in our Statute. About three weeks ago, I presided over a review hearing ordered by the Appeals Chamber in the case of Gérard Ntakirutimana. Mr. Ntakirutimana had uncovered new information that a witness who testified against him before the International Criminal Tribunal for Rwanda had recanted evidence that exclusively supported certain convictions.

Over two working days, the Appeals Chamber heard all the relevant evidence and closing submissions from the Prosecution and the Defence. Following focused deliberations, the Chamber pronounced its judgement at the end of the same week. Having found that the witness's recantation was not credible, the Appeals Chamber unanimously rejected Mr. Ntakirutimana's request to revise his judgement, and his convictions remain unaltered.

This process was key to the justice cycle and ensured that no miscarriage of justice had occurred. However, it also exemplified the institution's dedication to ensure that any in-court proceedings are completed quickly and cost-effectively.

Progress has also been made in relation to contempt of court. Our continued jurisdiction over contempt remains essential to ensuring witness protection and the integrity of our cases. However, the Mechanism's Statute requires consideration of referring contempt cases to national jurisdictions, taking into account the interests of justice and expediency. This year, single judges referred two contempt cases to national authorities. As a result, resource-intensive in-court proceedings were avoided. A decision on whether to initiate another contempt proceeding is pending, and, if authorized, a single judge will first have to consider referral.

Finally, earlier this year the judges took another important step towards ensuring that the Mechanism can keep reducing in size and scope, in line with the Security Council's vision. As previously reported, during their in-person plenary, the judges removed a resource-intensive declassification procedure from the Rules of Procedure and Evidence because it was not essential to providing access to confidential material and could not be concluded in a reasonable time.

These examples demonstrate that, under the leadership of the judges, with the cooperation of the parties, and through the excellent assistance of the Mechanism's court support, the institution remains committed to upholding fundamental rights while, at the same time, ensuring that its procedures are as expeditious and cost-effective as possible.

**Mr. President,**

Our remaining residual activities, supported by all organs of the institution, continue to require time, attention, and resources. In the near term, we at the Mechanism are best placed to execute them, given our institutional knowledge and the need to identify viable and just solutions for transfer or completion.

Such activities include supervising the enforcement of sentences of individuals convicted by the Mechanism and its predecessor Tribunals. Currently, the Mechanism supervises the sentences of 41 persons in 11 countries and on two continents. Three additional convicted persons are in the United Nations Detention Unit in The Hague awaiting their transfer to enforcement States, while three more are on conditional early release. The Mechanism's supervisory function is vital to the completion of the justice cycle. Earlier this year, OIOS reported that nearly 88% of third-party stakeholders agreed or



strongly agreed that cooperation with the Mechanism had contributed to sentences being enforced in accordance with international standards. Similarly, the Mechanism's jurisdiction over applications for early release, pardon, or commutation of sentences ensures that they are adjudicated in accordance with established international law and procedure and in a fair, impartial, and transparent manner.

Turning to another key function, as domestic jurisdictions seek to close the impunity gap by pursuing justice locally, the Mechanism continues to provide vital assistance as mandated by the Statute. While the Prosecutor will address the related activities of his office, I note that, over the past few years, the Mechanism's judges have granted – either in full or in part – more than 80% of requests for variation of witness protective measures in connection with domestic prosecutions. The judicial process for evaluating these requests is indeed vital to safeguarding sensitive information. Where requests are denied, this is due to the high legal threshold required to vary protective measures for witnesses, who bravely put individual fear aside to contribute to collective justice.

Separately, the Mechanism remains mandated to preserve, manage, and facilitate access to the archives of the ad hoc Tribunals and the Mechanism. By doing so, we safeguard and strengthen the legacy of these institutions – a responsibility that grows increasingly vital as we approach the end of our mandate. These archives are more than historical records; they embody the global commitment to justice, accountability, and the rule of law. Moreover, they are dynamic tools that help shape the future of international justice and combat historical revisionism and genocide denial. Through our website, public databases, and library, we are also dedicated to making these invaluable resources widely available to all.

**Mr. President,**

The responsible conclusion of our mandate requires ongoing cooperation from States to address critical, unresolved challenges. Nearly three years on, a durable solution for the six acquitted or released persons in Niger remains elusive. They live in limbo and without the rights they were promised when they agreed to relocate there. State intervention – either to assist in normalizing their situation in Niger or to facilitate relocation – will be essential to resolving this matter.

Another issue requiring cooperation stems from the effective conversion of the United Nations Detention Unit into a prison facility. This is the result of certain States being unable to continue enforcing sentences, as well as the need for additional States to take on the important responsibility of sentence enforcement. The Detention Unit was never intended to house convicted persons in this manner, yet currently three remain in the facility following the pronouncement of their final judgements and others may be returned there. The present situation is straining the Mechanism's limited resources and unnecessarily prolongs adjustment periods for prisoners. The Mechanism continues to require additional States to come forward to enforce these sentences.

Finally, the *Jojić and Radeta* case has been pending for nearly a decade due to Serbia's lack of cooperation in arresting and transferring the accused – a most unfortunate matter that has been brought to the Council's attention on many occasions.

**Mr. President,**

In this final phase of the Mechanism's existence, future planning takes on greater significance. The Mechanism has paid very close attention to resolution 2740 (2024), including the Security Council's



requests to the Secretary-General to present by 31 December 2025 an updated report on the administrative and budgetary aspects of the options for possible locations of the archives, along with a report on options for the transfer of the functions of supervision of enforcement of sentences and the pardon or commutation of sentences, and assistance to national jurisdictions on prosecutions. The Mechanism stands ready to provide any information and support required in relation to the above-mentioned reports, as well as any information requested by the Council itself.

In the meantime, the Mechanism continues to streamline and reduce its operational requirements to more fully realize the Council's vision of a small, temporary, and efficient institution. Between January 2020 and the end of this year, the Mechanism will have reduced its staffing levels by approximately 60% and cut its budget by over 30%. Further reductions are proposed for 2025, despite the projected workload for residual functions being largely unchanged from this year.

As outlined in the report before you, the Mechanism has materially reduced its operational footprint through the successful closure of the Kigali Field Office, which ceased operations at the end of August. In doing so, the Mechanism, exercising judicial oversight, ensured that hundreds of vulnerable victims and witnesses who had received medical and psychosocial assistance from this office would continue to receive it from the Rwandan government. This is a clear example of the Mechanism's willingness and ability to find innovative transfer solutions and responsibly cut costs.

During the reporting period, the Mechanism also closed the External Relations Office, with its functions seamlessly absorbed by all three organs. Finally, the Registrar and I reallocated workstreams related to the supervision of enforcement of sentences to avoid unnecessary duplications of work. Aspects of this efficiency have been codified with the issuance in July of a revised Practice Direction related to pardon, commutation of sentence, and early release.

**Mr. President,**

In conclusion, the Mechanism exists to complete the cycle of justice initiated by the Tribunals for the former Yugoslavia and Rwanda. We remain resolute in our commitment to this cause. We stand with the affected States, continue to assist them in their quest for accountability, and reaffirm our support for victims and witnesses. The Mechanism is actively safeguarding the legacy of the Tribunals that this august body created to provide justice in the wake of horrific crimes – including genocide – that marked the close of the twentieth century.

Under the Charter of the United Nations, the Security Council is mandated to ensure international peace and security, and, as your subsidiary organ, the Mechanism exists to assist you in fulfilling this obligation. Until the Council decides otherwise, we will complete our work with a steadfast commitment to fairness, efficiency, and transparency. Whether through supervising the enforcement of sentences, protecting victims and witnesses who were essential to securing justice, managing and facilitating access to our vast archives, or assisting States with investigations and prosecutions at the national level, we will do our utmost to keep advancing accountability and, thereby, reconciliation.

We are prepared to conclude this work and to fulfil *your* promise to Rwanda and the States of the former Yugoslavia – in resolution after resolution – that justice will be done. The Mechanism is equally prepared to facilitate the responsible transfer of its functions in due course, if this Council decides that such a shift will guarantee the rule of law and deliver on the international community's commitment to combat impunity in accordance with the highest standards of justice.



I thank you sincerely for your attention.

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