



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

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

PROSECUTOR

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

Arusha, The Hague, 10 December 2025

Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council

Mister President, Excellencies,

Thank you for the opportunity to again brief you on my Office's activities and results.

Details have been presented in my written progress report.

My remarks today will focus on the Council's upcoming review of the Mechanism's work and progress.

Mister President, Excellencies,

In 2008, you entrusted me with leadership of the ICTY Office of the Prosecutor, so I remember very well when the Council adopted resolution 1966 and established the Mechanism.

One key rationale for the Mechanism was to address the remaining fugitives from both Tribunals.

In May 2009, when the Secretary-General submitted his report, there were still 15 fugitives at large. At that time, the pace of arrests had slowed, and it was unknown when, or even if, fugitives would be arrested and trials would commence.

The need to prosecute fugitives decisively shaped the Mechanism. From its creation it had to be a criminal court, like the *ad hoc* Tribunals, with the full range of functions. There was a fugitive tracking team from day one, while a roster of investigators, prosecutors and Judges was needed to conduct trials when arrests were made.

When I also took over responsibility as Mechanism Prosecutor in 2016, progress had been made. All ICTY fugitives and 5 ICTR fugitives had been arrested. We had a full workload of trials and appeals in the *Stanišić and Simatović*, *Karadžić* and *Šešelj* cases.

As I briefed you at that time, locating the remaining 8 ICTR fugitives was my Office's top strategic priority. We then achieved this goal, with Kabuga arrested in May 2020 and Kayishema arrested in May 2023.



And so here we are today. All ICTR and ICTY fugitives have been accounted for. All international trials of fugitives have been concluded. What seemed nearly impossible in 2010 has been fully achieved.

Mister President, Excellencies,

The Mechanism had another vital mandate, to support the national accountability process.

The Completion Strategies began the transfer of responsibilities to national authorities. In 2010, this process was still only at the beginning.

The ICTR and ICTY were in the process of referring cases to Member States. National investigations of other cases were commencing.

To support these domestic efforts, the Council gave the Mechanism an important new mandate in Article 28(3), to respond to requests for assistance from national authorities.

Accordingly, my Office significantly expanded the amount of evidence we shared with national prosecutors. We also prepared investigative dossiers for national authorities concerning notable suspects we had investigated but not indicted. We began working directly with partners on their active cases, what we call direct case assistance.

This work complemented domestic initiatives. In Rwanda and the former Yugoslavia, significant reforms were made to prepare for trials of referred cases and assume responsibility for the justice process. Special prosecution offices and courts were established, international law was domesticated and fair trial rights were strengthened.

The impact of these international and national measures can be seen in our workload. In 2012, when the Mechanism commenced operations, my Office received approximately 100 requests. In recent years, we have been receiving nearly 400 requests annually, which are also of increasing complexity. In total, my Office has received more than 4,000 requests for assistance from national authorities.

As the Completion Strategies intended, our national partners have achieved significant results. Domestic authorities successfully prosecuted the referred cases. In Bosnia and Herzegovina, between 2004 and 2023 courts adjudicated 742 war crimes cases involving 1136 defendants. In Rwanda, investigations were conducted and indictments prepared for more than 1,000 persons. Third States also increased their efforts, with many war criminals and *genocidaires* extradited or prosecuted and a significant number of cases ongoing today.

And so again, if we compare the situation in 2010 with that today, the contrast is striking. As international justice was winding down, national justice took its place and continued achieving accountability, as the Council intended.

Mister President, Excellencies,



Of course, more work remains to be done at the domestic level, with important challenges that must be overcome. Many victims and survivors are still waiting for justice, while the families of the missing are still searching for their loved ones. The passage of time only makes the need to address their suffering more urgent.

Rwandan authorities are still seeking more than 1,000 fugitive *genocidaires*. In the countries of the former Yugoslavia, more than 1,000 war crimes cases are still outstanding. Addressing these important accountability gaps will require swift and determined efforts by national authorities.

International cooperation between prosecutors is essential. In the former Yugoslavia, there are more than 300 cases to be transferred from Bosnia and Herzegovina to Croatia and Serbia. For Rwandan cases, it will be vital to continue strengthening cooperation between Rwandan authorities and prosecutors around the world.

In this regard, I must note that two and a half years later, Fulgence Kayishema remains in South Africa following his arrest in May 2023. His case is an important opportunity for national authorities to prosecute an international fugitive.

Our concern is that Kayishema is effectively blocking proceedings before the Mechanism and South African courts, with the result that there is no prospect that he will be brought to trial anytime soon. The Council's engagement with South Africa to determine its intentions and capacity to achieve progress in this case would be welcome. Too much time has already passed, and Kayishema's victims deserve to see justice finally delivered.

Mister President, Excellencies,

As we look forward, the Council requested the Secretary-General to submit reports on options for three important residual functions: assistance to national jurisdictions; enforcement of sentences; and management of the archives. My Office supports the Secretary-General's views in these respects.

With respect to our assistance role, national investigations and prosecutions will remain at a high level for a number of years to come. Our partners will need access to my Office's evidence, expertise and support to meet their responsibilities. That is why we believe this mandate should be transferred to the Secretariat, so that the United Nations can continue to provide invaluable technical assistance to Member States.

In terms of early release applications, my Office has detailed knowledge of the victims, crimes and convicted persons. So we will continue to have an important role to play in ensuring that all relevant information is presented in relation to these requests.

The transfer of the archives to an appropriate body for long-term management is sensible at this point in time.



Regarding the other residual functions not addressed by the Secretary-General, my Office has presented our observations to the Informal Working Group for International Tribunals. We have endeavored to try to provide objective and transparent information to assist the Council in its review and deliberations.

Our conclusion is that options are available to transfer or complete all of these functions.

In our view, the transfer of responsibilities to Member States should continue wherever possible. This is what the Completion Strategies intended.

We also believe pragmatic solutions are available to wind down the Mechanism's activities.

At this stage in this accountability process, the need for an international judicial body has been greatly reduced, and only a few last tasks remain.

This is now an opportunity to fundamentally re-imagine the Mechanism and implement creative, responsible changes.

Mister President, Excellencies,

In conclusion, with the Council's continued support and the dedicated efforts of Mechanism staff, we can now say that the Mechanism accomplished its most important mission.

My Office is grateful for the trust that the Council placed in us when establishing the Mechanism. Finalizing the last trials of the ICTR and ICTY was of immense importance to the victims, affected societies and international community.

Looking forward, the future of accountability is now at the domestic level. Here too the Council played a decisive role in spurring the adoption of the Completion Strategies and the transfer of responsibilities to Member States. Even as more work remains to be done, the results so far are undeniable, thanks to the Council's leadership.

My Office stands ready to assist the Council in its deliberations and provide any information that the Council may find helpful.

Thank you for your attention.
