



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

PRESIDENT

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Address to the United Nations Security Council Judge Graciela Gatti Santana President, International Residual Mechanism for Criminal Tribunals 12 June 2026

Muchas gracias, señora Presidenta.

Permítame felicitarla por haber asumido la Presidencia del Consejo de Seguridad y expresarle mi más sincero agradecimiento por el apoyo constante del Consejo al Mecanismo Residual Internacional para los Tribunales Penales, especialmente en el contexto de la actual revisión del mandato del Mecanismo.

Es un privilegio dirigirme al Consejo en nombre del Mecanismo y presentarles el sexto informe de revisión del Mecanismo, que incluye el Plan Estratégico del Mecanismo, y su 28.º informe de situación.

**Madame President,
Excellencies,
Ladies and Gentlemen,**

The future of the United Nation's responsibility towards those within its duty of care, and indeed, the future of international criminal justice, now stand before the Council. The Council created the Mechanism to discharge this responsibility and to preserve the unprecedented success of the Tribunals for Rwanda and the former Yugoslavia in delivering justice in the aftermath of atrocity crimes. The Mechanism has effectively executed its mandate, thanks to its dedicated Judges and staff and the cooperation of Member States. As history teaches, the moral arc of justice is long and as the Council considers the future of the Mechanism, it is worth reflecting on its past.

Every one of the more than 250 persons indicted by the Tribunals for Rwanda and the former Yugoslavia has been tried, convicted, acquitted, transferred to States for trial, or otherwise accounted for. Through decades of committed bilateral and multilateral cooperation, hundreds of international arrest warrants were executed by States. States respected privileges and immunities granted to both Prosecution and Defence counsel to allow for effective investigations. Thousands of witnesses, many granted judicial protection under powers you provided under Chapter VII of the UN Charter, travelled internationally to participate in proceedings and provide a comprehensive accounting of what transpired. Following agreements between States and the United Nations, over 100 convicted persons served their sentences in numerous enforcement States. The last hearing in the last case earmarked for trial before the



Mechanism recently concluded. With the referral of one of the final contempt cases to a national jurisdiction, only limited, but still essential, work remains.

Thanks to the Council's enduring support, international criminal law is now fixed in the public consciousness. Implementing it has a detailed blueprint. Accountability for international crimes through trials that adhere to the highest standards is now an essential component of reconciliation and durable peace.

Today, the Council is engaged in its sixth review of the Mechanism's progress of work. To assist the Council, the Office of Internal Oversight Services, or OIOS, submitted its report on the methods and work of the Mechanism. It concluded that, despite steep resource reductions of over 40% in budget and staffing since 2021, the Mechanism has continued to deliver results across all its mandated functions. OIOS also observed that Member States affirmed the continued necessity and relevance of the Mechanism's work. Nevertheless, OIOS found that the Mechanism's ability to continually evolve to achieve a "small, temporary and efficient structure" is hampered by its mandated architecture, which has constrained opportunities for consolidation and cost savings.

Building on OIOS's evaluation and the reports of the Secretary-General of 1 December 2025, the Mechanism's Principals have developed and shared with the Council an ambitious Strategic Plan for the future of the Mechanism and its operations. The Strategic Plan provides concrete proposals, which if adopted by the Council, will result in the completion and transfer of several Mechanism functions and the institution's substantial re-organization and physical consolidation to meet its projected workload. To put the scale of this proposal into perspective, the Mechanism, following such changes, expects that it can achieve a nearly 90 per cent reduction of staffing resources; that the President and the Prosecutor could serve on an ad hoc basis; that the Registrar's position will be downgraded to reflect the significantly reduced scope of activities and responsibilities; and that the Mechanism would operate from a single location.

Madame President,

Aligned with the recommendations of the Secretary-General, the Strategic Plan proposes the transfer of assistance to national jurisdictions and the preservation and management of the archives to the United Nations Secretariat. While these functions are vital for closing the impunity gap and maintaining a reliable historical resource for research, education, and countering revisionism and denial, such technical activities need not be embedded in a court.

The Strategic Plan also supports the Secretary-General's proposal that the day-to-day supervision of conditions of imprisonment—a largely administrative function—can be transferred to enforcement States, provided that international standards are maintained. In this respect, the Mechanism has made substantial progress in preparing for this possibility. All current European enforcement States, namely Belgium, Estonia, France, Germany, Norway, and the United Kingdom, have confirmed that there are no practical or legal barriers to assuming this function. The United Kingdom and Poland have further confirmed their willingness to serve as temporary detention States, should the need arise in the future following the closure of the United Nations Detention Unit in The Hague.

Relatedly, Rwanda, with which the UN has an enforcement agreement, has indicated its willingness to enforce sentences of persons convicted in proceedings deriving from the ICTR and that it has the capacity and resources to do so in line with international standards. Consideration of this possibility is ongoing and will require confirmation that all necessary guarantees for the protection of the



fundamental rights of the convicted persons are in place. The Mechanism expresses its profound thanks to these Member States and acknowledges their essential role in and substantial contribution to international justice.

The Strategic Plan further recommends the termination of certain resource-intensive prosecutorial and judicial functions, including in-court proceedings, that can effectively be carried out by States and are no longer required at the international level to protect the interests of justice and due process.

Madame President,

The Strategic Plan identifies a limited number of key judicial functions that should remain at the international level to ensure the responsible conclusion of the justice cycle. These include judicial functions related to transfer and release of prisoners, a convicted person's right to relief to avoid miscarriage of justice, witness protection, *non bis in idem*, and the power to refer, monitor, and revoke cases. These issues concern the rights of convicted persons, the continued judicial protection of victims and witnesses, and the preservation of essential legal safeguards arising from the Mechanism's duty of care to those over whom it has exercised criminal jurisdiction. They implicate core principles of legality, equality and due process, which are the bedrock of international criminal justice. Their retention at the international level is essential to consistent application of the law, legal certainty and fairness.

The recommendations before the Council are comprehensive and the result of exhaustive consideration by the Mechanism, the Office of Legal Affairs and the Secretary-General. The Council has the necessary information to take decisive action and to further align the Mechanism with the Council's vision of it being a small, temporary, and efficient institution.

I must stress that legal certainty and continuity are key considerations for the Council as it deliberates on the forthcoming resolution. I take this opportunity to highlight a specific function under the purview of the President. Specifically, the Mechanism supervises the sentences of 36 persons in eight enforcement States and two persons detained in the United Nations Detention Unit. All prisoners, even those sentenced to life imprisonment, may become eligible for early release. In addition, the average age of our prisoners is 72 years, and it may be expected that release, based on humanitarian grounds, will become an increasingly significant factor in whether convicted persons can remain incarcerated. The need to adjudicate applications for release of prisoners who are eligible is a continuous obligation. The prospect for release based on humanitarian grounds can arise at any moment. The continuous and active ability to adjudicate such requests is a guarantee that cannot lapse.

The Secretary-General's reports and the Strategic Plan uniformly support retaining this core judicial function among international judges. There is consensus that this function cannot be effectively transferred to States or the Secretariat. The Secretary-General and the Strategic Plan propose that this function remains within the Mechanism. This is by far the preferred option. It is the most cost-effective and efficient when considering the resources required to create something anew. More importantly, it guarantees continuous oversight and consistent application of the law by a President, who is bound to consult with Judges who were members of the sentencing chambers or who have familiarity with the underlying conflicts and sentencing procedures. As noted by the Secretary-General, this function is not cost-intensive.

A resolution before the end of this month is key to ensuring that the UN's duty of care to those who have been imprisoned under its authority is effectively continued and implemented without gaps or legal uncertainty.



Finally, and in connection with this function, I am aware that a recent decision on early release for Mr. Ratko Mladić has been raised as an issue before the Council. This decision, taken in consultation with five other Judges of Mr. Mladić's sentencing chambers, involved all procedural guarantees and applied the general principles of law. I take this opportunity to emphasize that credible justice depends on judicial independence without undue political pressure. This is necessary to effectively implement the international community's will to ensure humane conditions of imprisonment and the effective implementation of sentences for those convicted of genocide, crimes against humanity and war crimes.

Madame President,

Durable justice does not conform to clear or finite timelines. However, the Strategic Plan, which balances principle and pragmatism, presents the Council with a viable path towards the responsible completion of the justice cycle. It entails substantial change while recognizing that the final phase of the justice cycle cannot be completed by relinquishing the guarantees that give international justice its legitimacy in the first place. The Mechanism stands ready to continue to impartially and efficiently execute these obligations on the Council's behalf and move steadily on the path towards closure.

Finally, I take this opportunity to commend the dedicated and exemplary staff of the Mechanism. They represent over 50 nationalities and have effectively implemented the international community's will to achieve durable justice. Time and again, they have reaffirmed this commitment notwithstanding continuous professional insecurity. Their excellence and accountability are admirable, and I extend my profound gratitude.

I look forward to hearing your views and continuing to engage with you.
