UNITED NATIONS
International Residual Mechanism for Criminal Tribunals

STATEMENT

PRESIDENT

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

Judge Graciela Gatti Santana
President, International Residual Mechanism for Criminal Tribunals
Opening Remarks for Conference
"Srebrenica: Three Decades of Struggle for Truth, Justice, Future"
26 November 2025

Excellencies,
Esteemed survivors and families of the victims,
Ladies and gentlemen,

Earlier this year, I was honoured to participate in the official 30th Commemoration of the 1995 Genocide in Srebrenica, and related events. I likewise deeply appreciate being able to take part in this important conference.

Marking the 30th Commemoration provides a valuable opportunity not only to pay tribute to the victims, but also to take stock of what has transpired over the past three decades: the achievements and the shortcomings, as well as the future outlook. This is why such occasions can be very powerful and I would like to express my sincere gratitude to the organisers – especially Munira and Murat and their associations – for their invitation.

In particular, the topic of this conference invites us to reflect on three key concepts that have emerged in the aftermath of the horrific events of July 1995 – justice; truth; and the future.

There is no doubt that the first of these – justice – comes as a natural demand by the victims of any crime and, in the context of the Srebrenica Genocide, also by the international community. But delivering justice for international crimes is not without challenges. The Srebrenica Genocide, for example, occurred after the International Criminal Tribunal for the former Yugoslavia was established. Given that the conflicts were ongoing, progress in the collection of evidence and the start of proceedings was slow, thereby limiting any preventive effect the establishment of the ICTY might have had.

It is worth recalling that, at the time, international criminal justice was still considered an experiment and expectations were low. Yet, looking back, the record of the ICTY and the International Residual Mechanism for Criminal Tribunals is impressive: all 161 individuals indicted

for core crimes committed in the former Yugoslavia have been accounted for. A total of 18 persons were convicted for crimes related to Srebrenica, seven of them for genocide.

These tribunals, together with the International Criminal Tribunal for Rwanda, set a solid precedent underlining that, when the international community unites against atrocities, nobody is immune from accountability – not even sitting heads of State.

From a legal perspective, the Srebrenica-related judgements also contributed to an authoritative interpretation of the crime of genocide, which has subsequently been applied by other international and national courts. More broadly, the trials and appeals relating to Srebrenica demonstrated that even the most complex cases, with vast volumes of evidence and complicated charges, can be heard in a procedurally fair and efficient way.

While the Mechanism has effectively concluded its core crimes cases, the accountability process is not yet complete. National jurisdictions continue to close the impunity gap through their own domestic proceedings, and the Mechanism provides them with critical assistance. For example, our Judges often deal with applications for the variation of protective measures previously granted to victims and witnesses. After carefully balancing the State's interests in prosecution and the need to safeguard protected witnesses, in the majority of cases they issue judicial decisions allowing access to confidential evidence and testimony.

The judicial findings of the ICTY and the Mechanism, made by independent Judges on the basis of extensive evidence, have also helped establish an historical record of the Srebrenica Genocide and, more generally, of the 1990s conflicts in the former Yugoslavia. Uncomfortable as it might be for some, the judicial findings represent the truth of what happened. And this is where justice is linked with another main theme of the conference.

It is the truth – as contained in the judicial records – that the Mechanism aims to promote and protect wherever possible, within the limits of its mandate.

On the face of it, spreading the truth is a task of education and memorialisation, rather than of a court. Nevertheless, the judicially established facts are irrefutable. As such, they can and should be actively used for educational and remembrance efforts, and to counter the divisive narratives that continue to gain prominence in the region. Indeed, the 2024 resolution of the General Assembly, which designated 11 July as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, recognised that judicial findings are a precious resource in the fight against genocide denial and historical revisionism.

The Mechanism's Information Programme for Affected Communities, funded by the European Union, undertakes a number of impactful initiatives in this regard, as you will hear during one of the panel discussions. However, it is now primarily in the hands of the national authorities and local communities to make use of this legacy. Which brings us to the future, our final topic.

For the Mechanism, the future will largely be determined by the United Nations Security Council next year, following its forthcoming review of our progress of work. As some of you might know, the Council has asked the United Nations Secretary-General to prepare reports on the

transferability of certain functions and on the possible locations for the archives currently managed by the Mechanism. Although we are awaiting the related decisions of the Security Council, the Mechanism is not a by-stander. On the contrary, it continues to carry out its mandated activities while also actively planning for the future, further streamlining operations, and exploring how its functions can responsibly be transferred or completed.

I understand the interest that many of you have particularly in the future of the archives. I wish to emphasise that this will be for the Security Council to decide, as the archives constitute United Nations property. Moreover, they also contain confidential evidence provided by witnesses who testified before the ad hoc Tribunals and the Mechanism.

Such confidentiality warrants continued protection, not least because witnesses were the backbone of the ICTY, the ICTR and the Mechanism. Simply put, the Judges would not been able to reach verdicts without them. Between the ad hoc Tribunals and the Mechanism, close to 7,000 witnesses, many of whom were victims, bravely set aside their fears and shared their story for the world to hear. Almost half are still protected by judicial orders that can only be amended by a Judge. In Srebrenica-related proceedings alone, more than 1,000 witnesses provided evidence.

Even at the post-conviction stage, victims remain crucial. For example, I seek their views when deciding on applications for early release. While I consider that granting early release for persons convicted of genocide, crimes against humanity and war crimes must be the exception, as a judge I have a responsibility to assess each case on the basis of the law and the particular facts before me. In specific circumstances, early release subject to strict conditions may be warranted, including when the convicted person's health precludes continued imprisonment or when sufficient rehabilitation has been demonstrated. This is part of the fair judicial process to which the Mechanism is committed.

I am also aware that many of you are concerned about the future of the Mechanism's premises in The Hague. I appreciate these concerns. I remember seeing the iconic facade of the building on the news when I was a Judge in Uruguay, long before I had the honour to work there as a Judge of the Mechanism. It was then – and still is – a symbol of justice and of hope. Nevertheless, at this stage of the Mechanism's lifespan, the building is simply too big for our needs and we are expected to vacate it next year. A report issued in September 2025 by the University of Amsterdam, commissioned by the host State, highlights the unique memorial and heritage significance of the premises as a global symbol of international law, and includes a recommendation that the site be preserved. The future use of this historic building, however, will depend on the Dutch authorities.

Allow me to close with a reflection on the future of the region. For me, there is no question that when different societal groups advance different versions of history, it is very difficult for any country or region to move forward after a conflict. This is why I strongly believe that courtroom findings must become classroom knowledge. Spreading hatred and disinformation only traps affected communities in patterns of ethnic tension and prevents reconciliation, which is much needed for sustainable peace. I have myself witnessed – here in Bosnia and Herzegovina – children being raised without hate, with forgiveness, empathy and understanding, despite the great suffering of their families. I know it is possible. As some of you have so courageously realised, it is also essential.

Thank you very much for your attention.

****