



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

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

Arusha, The Hague, 11 June 2025

Address to the United Nations Security Council Judge Graciela Gatti Santana President, International Residual Mechanism for Criminal Tribunals 11 June 2025

Thank you very much, Madam President.

Allow me to congratulate you on assuming the Presidency of the Security Council. This morning, I am pleased to present the Mechanism's twenty-sixth report on the progress of its work and to address for the first time the Council's newest Members. For the Mechanism, engagement with the Council and hearing your views on our ongoing work remain paramount to ensuring that we properly fulfill our mandate.

Before updating the Council on our recent activity, I note that today's debate is one month from a moment of historical and moral significance: the 30th commemoration of the 1995 Genocide in Srebrenica. In July 1995, up to 8,000 Bosnian Muslim men and boys were systematically executed, targeted solely for their identity. Approximately 30,000 women, children, and elderly persons were removed from the enclave by force. The very mention of "Srebrenica" evokes forced displacement, mass execution, and enduring grief – a grief carried by the survivors, including the mothers, wives, sisters, and daughters who continue to seek justice, truth, and remembrance.

Through landmark rulings, the International Criminal Tribunal for the former Yugoslavia and subsequently the Mechanism, confirmed that genocide was perpetrated at Srebrenica. Likewise, the International Criminal Tribunal for Rwanda determined that the 1994 Genocide against the Tutsi in Rwanda was a historical fact beyond reasonable dispute. With the Council's support, the Mechanism and its predecessors have made clear that holding the highest political offices or military ranks does not shield perpetrators from accountability for the gravest crimes.

Madam President,

With the adoption of resolution 1966 in 2010, this Council initiated a principled transition from the Rwandan and Yugoslav Tribunals to a cost-effective and temporary structure that was no less committed to justice and accountability. The Mechanism continues to embody this vision, executing its mandate with focus, fairness, and efficiency.



To illustrate, last November at the beginning of the reporting period, the Mechanism's Appeals Chamber heard evidence and arguments, deliberated, and pronounced its judgement in the review proceedings initiated by Mr. Gérard Ntakirutimana, all within the course of one week. Although his request to reverse certain convictions was denied, the review procedure remains an essential guarantee in upholding due process rights, and the Mechanism again proved that it could conduct such a complex matter with maximum efficiency.

While all active core crimes cases have concluded, the Mechanism's continuous judicial activities proceeded apace. During the reporting period, the Judges of the Mechanism issued over 100 decisions and orders, nearly 90 of them pertaining to the Mechanism's continuous judicial functions. Thirty of those decisions and orders related to access to confidential information and requests for the variation of protective measures, demonstrating the Mechanism's critical role in safeguarding witnesses while also contributing to national prosecution efforts to close the impunity gap.

Turning to contempt of court, in February 2025, a Single Judge charged a Defence Counsel for violating judicial orders while representing Mr. Augustin Ngirabatware in relation to potential review proceedings. Another Single Judge is currently considering whether the matter should be referred to national authorities.

The threat of contempt for violating judicial orders remains essential to guaranteeing the integrity of proceedings and witness protection. For example, the current contempt matter is connected to a prior case involving a broad scheme of improper payments to witnesses and violations of judicial orders that were aimed at overturning Mr. Ngirabatware's convictions. Nevertheless, the Mechanism has narrowly exercised its contempt jurisdiction, and, in line with the Statute, the last two contempt cases have been referred to States.

In the context of sentence enforcement, as you may know, Mr. Ratko Mladić has recently sought release on humanitarian grounds due to his health. I cannot say much, as the matter is pending adjudication. However, I am mindful of the importance this Council has placed on ensuring that those detained under the authority of the Mechanism are afforded care in accordance with international standards. I can assure you that those standards are fully met and that Mr. Mladić, who remains in the Mechanism's Detention Unit in The Hague, receives high-level multi-disciplinary care. Moreover, he is closely and frequently monitored, including by various medical specialists.

Concerning the Mechanism's judicial roster, one Judge resigned in May following her conviction and sentencing in the United Kingdom. Once the Mechanism learned of the pending criminal investigation, the Secretary-General was promptly informed, and he waived her immunity. During the pendency of the criminal proceedings, I also acted to protect the integrity and efficient functioning of the Mechanism, including by discontinuing the Judge's participation in the business of the Mechanism.

Madam President,

The issue of State cooperation remains pivotal not only to the Mechanism's efforts to reduce costs and complete key functions but to fulfilling the humanitarian principles upon which international criminal justice is founded. One example is the ongoing situation of Mr. Félicien Kabuga. Though his trial has been indefinitely stayed, he remains detained in the Mechanism's Detention Unit in The Hague in the absence of a State for his provisional release. Notably, in April this year, an independent medical expert determined that Mr. Kabuga was generally not fit to fly, including to Rwanda, the one country willing to



receive him to date. The Trial Chamber has already put additional questions to the expert and is awaiting responses before deciding what weight to give his report. However, Mr. Kabuga's continued detention implicates due process principles that the Mechanism is bound to uphold. A solution cannot be found in the absence of a suitable State to which he can be safely transferred.

The same Detention Unit also continues to house three convicted persons: Mr. Ratko Mladić, as I already mentioned, along with Mr. Jovica Stanišić and Mr. Mićo Stanišić. While the Mechanism remains profoundly grateful to its current enforcement States, we require additional States to enforce these sentences in order to reduce our operational footprint and eliminate the prolonged uncertainty for these convicts.

As another example, the Mechanism continues to seek resolution of the situation of six acquitted or released individuals, who were relocated to Niger in December 2021. These individuals were denied rights and liberties that had been guaranteed through an agreement between Niger and the United Nations. The Registrar continues high-level engagement with the authorities in Niamey to facilitate the implementation of this agreement. A Single Judge is also presently considering whether the relocated persons can safely return to Rwanda in the context of determining the Mechanism's obligations to provide them with continued financial assistance. Fundamentally, support by Member States is required to ensure a lasting, rights-based solution.

Finally, the contempt case against Mr. Petar Jojić and Ms. Vjerica Radeta remains unresolved. Serbia continues to refuse to execute the outstanding arrest warrants for these accused, despite its legal obligations and the repeated referrals of the matter to this Council.

Madam President,

Looking ahead, I wish to highlight key developments in our future planning. As you know, resolution 2740 of 2024 tasks the Secretary-General with providing by 31 December 2025 an updated report on the administrative and budgetary aspects of the options for possible locations of the archives. The resolution also asks the Secretary-General to report on options for the transfer of the functions of supervision of sentence enforcement, and assistance to national jurisdictions on prosecutions.

The Mechanism's leadership has worked across all organs and both branches to gather relevant information and produce thorough analyses on concrete options for the transfer of these functions to share with the Secretary-General.

While the assessment of the Secretary-General is pending, allow me to briefly set out some of my own preliminary reflections, particularly regarding the potential transfer of the supervision of sentence enforcement function, which falls squarely within my remit as President of the Mechanism.

It may be feasible to transfer certain administrative aspects to States, such as the day-to-day supervision of conditions of imprisonment. By contrast, the adjudication of applications for pardon, commutation of sentence, or early release entails considerations of fundamental importance to the justice cycle that may be jeopardized if dispersed to various national jurisdictions. Transferring this activity would result in unequal treatment of the Mechanism's more than 40 convicted persons, given the significant disparities in domestic regulations. In many cases, it could lead to release far earlier than any sentencing chamber may have anticipated if domestic release provisions designed for ordinary crimes were applied. Transfer to States would also eliminate the judicial consultation process, which benefits from the views of



international judges who imposed the original sentences or possess unique insight into the relevant cases. In my view, this specific activity should remain at the international level.

When all fugitives are accounted for and core crimes trials and appeals are completed, deciding whether convicted persons should be released is of central importance to the justice cycle. Undermining this decision-making process will undo decades of work that, until this point, has held impunity in check. Moreover, keeping this at the international level is standard. Notably, the United Nations and Cambodia affirmed that the Extraordinary Chambers in the Courts of Cambodia should continue its supervisory role in sentence enforcement. The Residual Special Court for Sierra Leone also continues to supervise the enforcement of sentences within its jurisdiction.

Separately, I note that resolution 2740 does not ask the Secretary-General to report on possible options for the transfer of continuous judicial functions. Nevertheless, I consider it opportune to invite the Council to exercise patience and caution in consideration of this matter.

The continuous judicial functions entrusted to the Mechanism implicate fundamental rights, ensure witness protection, and remain essential to ensuring the integrity of international proceedings. Converting certain activities into non-judicial matters or transferring jurisdiction over them to States, for example, raises complex legal and practical questions requiring careful deliberation. This is not to say that workable, just, and fair solutions for transfer, or even termination, of judicial functions will not emerge, particularly given the expected decline in continuous judicial activity in the coming years. It is simply to highlight that, while judicial work continues apace, it may be preferable to keep these functions at the international judicial level while ensuring that sufficient due process protections exist and that the interests of justice are adequately protected before transfer or termination.

For now, the Mechanism will continue to fulfill its mandated responsibilities, and I, as President, remain committed to streamlining our work in line with the Council's vision. To this end, in May, I submitted to the Mechanism's Rules Committee proposed amendments to the Rules of Procedure and Evidence, which are aimed at limiting the prospect of resource-intensive proceedings and, in particular, in-court hearings. Building on prior revisions to our sentence enforcement practice, and following consultation with the Registrar and the Prosecutor, I also issued a revised Practice Direction to streamline the designation process and expand opportunities to engage with potential enforcement States to secure prisons for our convicted persons.

Madam President,

As we near the 30th commemoration of the Srebrenica Genocide, we are reminded that justice is not a finite endeavor; it is a continuous commitment. The Mechanism stands as a guardian of this commitment, through preserving the legal truths established by the Tribunals for the former Yugoslavia and Rwanda, ensuring accountability in line with due process, and affirming the dignity of victims and survivors.

Our work honors the loss and resilience of those who endured unimaginable suffering and reflects the international community's resolve to confront impunity with principle and perseverance. In these times of global challenges and limited resources, we remain dedicated to fulfilling our mandate but acknowledge that changes are necessary so that our remaining contributions to the justice cycle are delivered at a cost that the international community can support. Thus, we will partner with this Council



as it seeks to preserve the legacy of the Tribunals for Rwanda and the former Yugoslavia in a further reduced Mechanism and, ultimately, beyond its operational lifespan.

I am grateful for the opportunity to address you, and I look forward to hearing your views on our work.

Thank you for your attention.
