



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, 11 June 2025

Addresses of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council 11 June 2025

Madam President, Excellencies,

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

Details about our work have been presented in my written progress report.

There are three issues I would like to highlight today, from the past, the present and the future.

Madam President, Excellencies,

My Office arrested the last ICTR fugitives in recent years: Félicien Kabuga and Fulgence Kayishema. Although neither will be tried by the Mechanism, both cases remain pending.

Twenty-one months after the Trial Chamber halted the trial, litigation continues regarding Kabuga's future.

The outstanding question is still what will happen with him.

At present, Kabuga remains in the Mechanism's custody, with his medical and personal care provided at the Mechanism's expense.

The Defense has sought so far unsuccessfully for Kabuga to be permitted to reside in European countries.

The Prosecution has proposed that Kabuga be returned to Rwanda, his country of origin.

The situation is not so dissimilar from that of the persons acquitted or released by the ICTR many years ago. They remain in Niger with uncertain status and still receive Mechanism funding.



My Office believes—like normal practice in domestic jurisdictions—that Rwandan nationals should be returned to Rwanda after their proceedings are completed. But whatever the solution, these matters need to be brought to a conclusion.

Turning to Kayishema, two years after his arrest he remains in South Africa. In that time, a stalemate has developed.

A Mechanism Judge decided that Kayishema should be transferred from South Africa to its custody in Arusha, Tanzania. He will then be transferred to Rwanda to stand trial pursuant to the Referral Decision. Kayishema is opposing his transfer in South African courts. However, a national court does not have the authority to review or challenge the Mechanism's decisions. While he has announced his intention to request the Mechanism revoke the decision to refer his case to Rwanda, he has not formally filed a motion seeking this relief.

In South Africa, matters remain much the same as they were two years ago. Since his first appearance in court on 15 August 2023, the case has been repeatedly postponed, most recently until 30 July 2025.

From my Office's perspective, what is imperative is that Kayishema stands trial for his alleged crimes. The victims and survivors have waited more than thirty one years now. They should not have to wait any longer.

South Africa should immediately execute the Mechanism's Arrest Warrant and transfer Kayishema to the Mechanism's custody. If it is unable to do so, it is obliged under the Genocide Convention to prosecute Kayishema in its courts.

In both cases, my Office believes that the time has come for decisions to be made. The status quo is not sustainable. These matters need to be expeditiously brought to conclusion.

Madam President, Excellencies,

My Office remains fully committed to the implementation of the ICTR and ICTY Completion Strategies. In particular, we recognize that responsibility for continuing the accountability process has been successfully transferred to Member States. That is why our primary activity is to implement our mandate under Article 28(3) of the Statute to provide assistance to national prosecutions.

My written report provides details on national justice efforts and the requests Member States are submitting for our assistance to their work. As this information demonstrates, Member States need our help as much as ever before.

In the last six months, eleven Member States submitted 177 requests. These requests are increasingly complex, as Member States are looking to us for our investigative, analytical and legal expertise to assist them with resolving challenges in their cases. This fact reflects the more complex nature of the cases that national authorities are undertaking.

I would like to highlight three notable developments.



First, after concluding our fugitive tracking work, the Government of Rwanda requested my Office to provide more support to its efforts to account for the more than 1,000 fugitive genocidaires still at large. I am pleased to report that this work is already making significant progress.

Earlier this week, we announced with the Prosecutor General of Rwanda that our joint efforts have resulted in 65 fugitive files being closed. This notably includes a number of fugitives who we successfully located. We were also able to identify fugitives whose cases have been processed, whether through extradition or prosecutions in the countries where they reside. Finally, we were able to determine that some fugitives are deceased.

Looking forward, we will continue efforts to locate more fugitives, particularly priority cases of perpetrators who bear significant criminal responsibility. Many of them fled Rwanda to seek safe haven in countries across the world, where they are enjoying impunity for their alleged crimes. The Prosecutor General has also requested that we support her office to advance investigations of fugitives we have recently located. I fully expect that we will be able to report more results in the next period.

Second, with respect to the former Yugoslavia, two months ago we handed over to the Chief Prosecutor of Bosnia and Herzegovina a detailed investigative dossier concerning persons suspected of particularly notorious crimes against humanity. At his request, our offices have established a joint team to conduct further investigations, with the aim to prepare an indictment as soon as possible. That team will have its first meeting next week.

Similarly, our joint task force with Montenegrin prosecutors continued to achieve progress on the investigative dossier we provided to them concerning Montenegrin nationals suspected of committing war crimes, particularly grave crimes of sexual violence.

Third, we are applying this same methodology with other countries as well. I would highlight in particular the continuing excellent cooperation we enjoy with the French Parquet National Antiterroriste, the British Counter Terrorism Command and the American Department of Homeland Security. In response to 29 requests for assistance from these three countries in just the last six months, we have shared valuable evidence, provided our knowledge of the crimes and offered advice on concrete investigations. Through this and other work, we are helping to ensure that suspected war criminals and genocidaires do not enjoy safe haven in countries where they have falsely claimed refugee status.

Through our consultations with our partners, we continue to assess that national justice efforts will continue at the present high-level for the foreseeable future. All of our partners report that they continue to have large caseloads to process and are working as quickly as possible. That's why Member States are asking my Office to maintain the assistance we provide and strengthen our cooperation.

As was planned, national authorities are now in the driver's seat. Ensuring that they receive the support they need will be critical to achieving more results in the accountability process and ensuring that the investments made for accountability continue to provide value.

Madam President, Excellencies,

Finally, in response to the Council's requests, my written report includes some of my Office's thoughts following our review of the future of the Mechanism and options for the transfer of functions.



As my Office has explained, in our view, one option is to transfer our assistance to national jurisdictions functions to another United Nations office. Such a transfer would address both the Council's desire for completion of Mechanism functions while ensuring that Member States will continue to receive the assistance that they need. My Office will continue developing information and plans to inform the Council's deliberations.

More generally, my Office has had the unique privilege for many years of working hand-in-hand with national authorities from around the world, particularly in Rwanda and the countries of the former Yugoslavia. We have also maintained close relationships with victims and witnesses. From the very beginning of the Completion Strategies, we were involved with building domestic institutions, transferring cases and assessing developments. We have seen first-hand how much has changed. From our perspective, the plans envisaged by the Completion Strategies to bolster national justice efforts have been successfully realized.

That is why we support the principle that, where possible, residual responsibilities can be transferred to Member States. In our view, over the last two decades Member States have delivered justice in accordance with international standards. And the Mechanism has always been temporary, while national ownership of accountability is the norm. Careful and pragmatic consideration can be given to how to distribute remaining activities between the national and international levels.

My Office will work closely with the Secretary-General to prepare the reports that the Council has requested. We will also continue to participate in cross-organ Mechanism planning. In the coming year, we look forward to actively engaging with the Council and are committed to provide all information that will assist the Council.

My Office remains grateful for the continued support of this Council in all of our efforts.

Thank you for your attention.
