

## 27. International Residual Mechanism for Criminal Tribunals

In 2019, the Council held two meetings related to the work of the International Residual Mechanism for Criminal Tribunals.<sup>541</sup> The two meetings took the form of debates and no decisions were adopted by the Council under this item in 2019.<sup>542</sup> More information on the meetings, including participants and speakers, is given in the table below.

On 17 July 2019, the Council heard the first semi-annual briefing by the President of the Mechanism and by its Prosecutor,<sup>543</sup> at which they presented their progress report on the work of the Mechanism, submitted pursuant to paragraph 16 of Council resolution 1966 (2010).<sup>544</sup> At the meeting, both the President of the Mechanism and the Prosecutor highlighted the positive developments in the *Karadžić* and *Mladić* cases and emphasized their commitment to the efficient and timely conclusion of the judicial proceedings at the two branches of the Mechanism, in Arusha and The Hague. The President also reflected on his role in the management of post-conviction matters, such as the enforcement of sentences and the safeguarding of the rights of detainees, to which, as he noted, less attention was paid. The Prosecutor highlighted the challenges faced by his office in terms of State cooperation, including the search for transnational fugitives. He also expressed concern about the continued trends in genocide denial and the glorification of war criminals. The Council discussed the progress achieved by the Mechanism during the

reporting period. Several speakers highlighted the conclusion of the *Prosecutor v. Radovan Karadžić* case in The Hague on 20 March 2019.<sup>545</sup> Some Council members also expressed support for the commitment of the President of the Mechanism and its Prosecutor to better examine requests for the early release of persons convicted, in accordance with the recommendation contained in paragraph 10 of resolution 2422 (2018).<sup>546</sup> With regard to the challenges to the implementation of the mandate of the Mechanism, most Council members urged States to intensify cooperation with the Mechanism, particularly in relation to the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda and suspected to be at large, as outlined in paragraph 10 of resolution 1966 (2010) and in paragraph 4 of resolution 2422 (2018).<sup>547</sup> Echoing the Prosecutor, some Council members expressed their concerns regarding the continued denial of war crimes and genocide and the glorification of war criminals.<sup>548</sup>

On 11 December 2019, the Council heard the second semi-annual briefing by the President of the Mechanism and its Prosecutor.<sup>549</sup> At the meeting, the President and the Prosecutor provided an update of the main developments regarding the judicial activity in Arusha and The Hague and reiterated their commitment to meeting the deadlines in order to complete most of the Mechanism's judicial caseload by the end of 2020. They also focused on the need for greater cooperation from Member States regarding the enforcement of sentences, the search for and arrest of the eight remaining fugitives indicted by the International Criminal Tribunal for Rwanda, a permanent solution for the nine persons acquitted or released by the Tribunal, and support for the Mechanism's budgetary requirements. Council members welcomed the efforts displayed by the Mechanism in meeting the deadlines and the overall progress that the Mechanism had achieved in terms of best practices during the reporting period. More specifically, Council members commended the efforts of the President to harmonize practices and procedures across the two branches, as previously recommended by the Office of Internal Oversight Services<sup>550</sup> and

<sup>541</sup> In a note by the President of the Council dated 2 February 2018 (S/2018/90), the Council agreed that issues pertaining to the International Residual Mechanism for Criminal Tribunals, which was established by resolution 1966 (2010), would be considered under an item entitled "International Residual Mechanism for Criminal Tribunals", under which the Council would also henceforth consider issues pertaining to the items entitled "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994". For more information on the mandate of the tribunals, see part IX, sect. IV.

<sup>542</sup> For more information on the format of meetings, see part II, sect. I.

<sup>543</sup> See S/PV.8576.

<sup>544</sup> See S/2019/417, annex.

<sup>545</sup> See S/PV.8576 (France, Kuwait, United States, Belgium, United Kingdom, Dominican Republic and Croatia).

<sup>546</sup> *Ibid.*, (Peru, Côte d'Ivoire, France, Poland, Kuwait, United States, Belgium, China and Equatorial Guinea).

<sup>547</sup> *Ibid.*, (Côte d'Ivoire, France, Indonesia, Poland, Germany, Kuwait, United States, Belgium, United Kingdom, Dominican Republic and Equatorial Guinea).

<sup>548</sup> *Ibid.*, (France, Germany, Belgium and United Kingdom).

<sup>549</sup> See S/PV.8681.

<sup>550</sup> See S/2018/206.

reiterated in paragraph 8 of resolution 2422 (2018), so as to further enhance the efficiency and transparency of the Mechanism's working methods. Some Council members continued to welcome the changes in the practice followed by the President to decide on requests for early release of the persons convicted, as well as the updating of the Practice Direction on the procedure for the determination of applications for pardon, commutation of sentence and early release of persons convicted by the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia or the Mechanism.<sup>551</sup> The representative of the Dominican Republic expressed concern about the fact that specific regulations in that regard had not yet been put in place to allow for the participation of victims and affected States or communities. Most Council members continued to call for improved cooperation and assistance by Member States with the Mechanism, including adequate financing and political support to ensure its success.

<sup>551</sup> See [S/PV.8681](#) (China, France, Belgium, Cote d'Ivoire and Equatorial Guinea).

Some speakers specifically called for improvements in judicial cooperation among the States of the former Yugoslavia in the search for and arrest of perpetrators of war crimes and in the processing of cases by national courts.<sup>552</sup> In that context, speakers continued to regret the resurgence in the denial of war crimes and historical revisionism both in the former Yugoslavia and in Rwanda.<sup>553</sup>

In addition, during the period under review, the Council took note of the intention of the Secretary-General to appoint the nominated judges to fill the vacancies resulting from the resignation of two judges of the Mechanism.<sup>554</sup>

<sup>552</sup> *Ibid.*, (Poland, Belgium, United Kingdom and Cote d'Ivoire).

<sup>553</sup> *Ibid.*, (Poland, France, Belgium, United Kingdom and United States).

<sup>554</sup> See [S/2019/107](#), [S/2019/108](#), [S/2019/999](#) and [S/2019/1000](#). For more information on actions of the Council concerning judges of the Mechanism, see part IV, sect. I.D, and part IX, sect. IV.

### Meetings: International Residual Mechanism for Criminal Tribunals

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
<a href="#">S/PV.8576</a> 17 July 2019	Letter dated 20 May 2019 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council ( <a href="#">S/2019/417</a> )		Bosnia and Herzegovina, Croatia, Rwanda, Serbia	President of the Mechanism, Prosecutor of the Mechanism	All Council members, all invitees <sup>a</sup>	
<a href="#">S/PV.8681</a> 11 December 2019	Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals ( <a href="#">S/2019/622</a> )		Bosnia and Herzegovina, Croatia, Serbia	President of the Mechanism, Prosecutor of the Mechanism	All Council members, all invitees <sup>b</sup>	
	Letter dated 18 November 2019 from the President of Mechanism addressed to the President of the Security Council ( <a href="#">S/2019/888</a> )					

<sup>a</sup> Croatia was represented by its State Secretary for Political Affairs; and Serbia was represented by its Minister of Justice.

<sup>b</sup> Serbia was represented by its Assistant Minister of Justice.