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Mechanism for Rwanda, Former Yugoslavia Tribunals Fully in Residual Phase, Its President Tells Security Council, Calling International Criminal Justice 'Long-Term Investment'

The court set up to carry out remaining functions of the criminal tribunals that investigated and prosecuted serious crimes committed during the Yugoslav wars and the 1994 Rwanda genocide has finally transitioned to its truly residual phase, its President said today as she detailed plans to restructure and streamline its internal framework, while speakers underscored that the conclusion of the latest trials in no way diminishes its relevance.

Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals, said that the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia held to account hundreds of high-profile offenders, many of whom at the time were beyond the reach of national justice.

"Securing international criminal justice is a lengthy and painstaking journey, a long-term investment that necessitates support well beyond the delivery of a judgment," she said, noting that the international community underestimated the importance of the end-of-justice cycle and underlining States' pivotal role in countering the ever-growing trends of genocide denial and the glorification of war criminals. She pointed to Serbia's failure to execute the arrest warrants and orders for transfer of the accused in the *Jojić and Radeta* contempt case, which weakens the judicial process before the Mechanism.

Serge Brammertz, the Mechanism's Prosecutor, reported that, with the completion of its mandate, his Office is now focused on its remaining residual functions. He cited its assistance to national authorities in Rwanda, which still seeks to bring to justice more than 1,200 fugitive genocidaires, and former Yugoslavia, with over 1,000 suspected war criminals to investigate and, where warranted, prosecute. Expressing "immense dissatisfaction" that Félicien Kabuga will not face judgment for his role in the suffering of the Rwandan people, he said: "it is within our power to ensure other criminals do". In this regard, he recalled that Fulgence Kayishema was arrested on 24 May and remains in detention in South Africa.

Detailing assistance provided by his Office to its national partners, he pointed to its evidence collection, which constitutes the most thorough repository of evidence concerning crimes committed in Rwanda and the former Yugoslavia. His Office further assists across a broad range of legal, evidentiary, prosecutorial and strategic matters, and offers expert support to national prosecutors concerning fugitives from justice in Rwanda and the countries of the former Yugoslavia. "There is no expiration date for the international community's obligation to prosecute genocide crimes," he added.

In the ensuing discussion, speakers highlighted the Mechanism's immense contribution to the rule of law and its pivotal role in ensuring accountability, noting that its crucial functions — including monitoring the implementation of sentences, assisting national authorities and tracking down fugitives — demand strong support from the Council.

The representative of Gabon, speaking in his capacity as Chair of the Working Group for International Tribunals, described the Mechanism as "a moral bulwark against arbitrariness and mass atrocities" and praised its swiftness in carrying out judicial proceedings and ensuring witness protection. Expressing support for its strategy to recruit skilled personnel, strengthen cooperation and prioritize existing tools for an effective transition, he underscored the importance of ongoing efforts in arresting fugitives.

Recognizing the Mechanism's tremendous work in delivering justice for some of the gravest crimes of the past century, the representative of the United States drew attention to the arrest of Fulgence Kayishema, who — accused of genocide and crimes against humanity — had evaded arrest for 20 years. Similarly, the

Former Yugoslavia Tribunal has consistently demonstrated that even the most senior military and political leaders can be held accountable for atrocity crimes, as reflected in the *Stanišić and Simatović* case.

The representative of the Russian Federation, meanwhile, warned against the creation of new reasons for extending the Mechanism's existence, noting the lack of rational explanation for such an unusually long life of the ad hoc Tribunal. The temporarily established structure expects to continue until 2055. Also, the conditions for the Serbs are in sharp contrast to the regime created for Kosovo Albanians, she said, urging the Mechanism to consider the option of transferring Ratko Mladic to Serbia to serve his sentence.

Rwanda's delegate, noting that his country needs the support of the Prosecutor's Office in addressing more than 1,000 genocide fugitives, said ensuring justice for the victims and survivors of the genocide against the Tutsi is "fundamentally about securing timely justice". Stressing that "each delay in this process equates to a denial of justice", he described the ruling on Félicien Kabuga's unfitness to continue standing trial as "deeply disheartening".

The speaker for Bosnia and Herzegovina emphasized that "around 3,000 suspected perpetrators of war crimes, crimes against humanity and genocide committed in the former Yugoslavia are yet to face justice". On the escape of accused Novak Djukic to Serbia, he said the Serbian judicial authorities never acted on the verdict of the Court of Bosnia and Herzegovina. "This [...] perpetuates narratives that go against every civilized norm and principle of humanity, justice and the rule of law," he asserted.

Croatia's delegate highlighted the clear link between the top Serbian leadership and the atrocity crimes committed in Croatia and Bosnia and Herzegovina, established by the verdict against Jovica Stanišić and Franko Simatović. Noting that his country is still waiting for Serbia's response to its invitation to the fourth and final round of negotiations for a bilateral agreement on processing war crimes, he said the ongoing disrespect for the legal qualifications of the Tribunals and the Mechanism is "devastating".

The representative of Serbia, rejecting the complaints about Serbia's denial of crimes and glorification of convicts, called on the Mechanism to allow the cases of Petar Jojić and Vjerica Radeta for contempt of court to be referred to the Serbian judicial authorities and requested to return comprehensive documentation previously submitted to the Mechanism. He also underlined his country's preparedness to enforce prison sentences handed down by the Former Yugoslavia Tribunal and the Mechanism under its supervision.

INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

Briefings

GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals, said that the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia showed that, for the first time since Nuremberg, society's opprobrium for hate crimes and its desire for fairness in ascertaining responsibility in the aftermath of conflict were not mere aspirations. These pioneering ad hoc Tribunals held to account hundreds of high-profile offenders, many of whom at the time were beyond the reach of national justice. "We continue to show that justice will be delivered when the international community makes a collective commitment to do so," she stressed, adding that the Mechanism has finally transitioned to its truly residual phase, as it has no more active trials and appeals related to core crimes following the indefinite stay of proceedings in the case against Félicien Kabuga in September. On 15 November, it announced the death of fugitive Aloys Ndimbati, who was first indicted in 1995 and whose case had been referred to Rwanda. She informed that only two fugitives remain, both of whom are expected to be tried in Rwanda, while the Mechanism is focused on planning for the future and ultimately winding down its operations.

"I presented to the Informal Working Group on International Tribunals a draft 'Framework of Operations to Complete Functions', in line with my first priority," she said. "My second priority is effective leadership and good governance," she added, pledging to demonstrate the value of transparency and responsibility and show that a resource-constrained institution can still maintain the highest standards of performance. She said her third priority is to ensure that the shared legacy in the context of accountability is preserved and sends a strong message of deterrence. The Mechanism is working to identify areas where efficiencies can be increased by merging, restructuring and streamlining its internal framework and processes. She trusted that the information and proposals presented will form a useful basis for the Council's decision-making on the future of the Mechanism's operations. The entity is responding to national requests for assistance, monitoring referred cases, managing the archives, ensuring ongoing protections for victims and witnesses and performing other continuous judicial functions.

"We have seen that securing international criminal justice is a lengthy and painstaking journey, a long-term investment that necessitates support well beyond the delivery of a judgement," she emphasized, adding that in the rush to commence investigations and prosecutions, the international community underestimated

the importance of the end-of-justice cycle for the integrity of the entire project. She noted that several convicted persons have been returned to the United Nations Detention Unit in The Hague by States that are unable to keep enforcing the relevant sentences, thereby burdening both the Mechanism and the host State and essentially rendering the Unit a prison. The Mechanism urgently needs additional States to volunteer to assist with this mandated function or existing enforcement States to take on more convicted persons, she said, paying tribute to the 12 enforcement States.

Turning to the seven relocated persons in Niger, she underscored that 27 December will mark two years since they were placed under de facto house arrest. This unacceptable situation could easily have been avoided had Niger respected the agreement it made with the United Nations to host them, she said. Referring to the ever-growing trends of genocide denial and revisionism, as well as the glorification of war criminals, she said States play a pivotal role in countering these narratives. "I mention Serbia's ongoing failure to execute the arrest warrants and orders for transfer of the accused in the *Jojić and Radeta* contempt case," she said, adding that such behaviour seeks to weaken the judicial process before the Mechanism and challenges the authority of the Council. "We call on your help," she said.

SERGE BRAMMERTZ, Prosecutor of the International Residual Mechanism for Criminal Tribunals, focusing his briefing on recent developments, reported that his Office has completed its mandate to prosecute the final cases of the Rwanda and Former Yugoslavia Tribunals. On 31 May, the Appeals Chamber issued its judgment in the *Stanišić and Simatović* case. The Appeals Chamber accepted his Office's arguments that Stanišić and Simatović are criminally liable as participants in a joint criminal enterprise to ethnically cleanse large areas of Croatia and Bosnia and Herzegovina. The crimes were committed by senior officials at the apex of power who incited hatred and fear, who unleashed unspeakable violence to achieve their political goals. "It's not Serbs, Croats or Bosniaks who are guilty," he said, adding that the crimes were the work of individuals.

Voicing "immense dissatisfaction" that trial proceedings in the *Kabuga* case have come to an end, he said the victims and survivors of Félicien Kabuga's crimes did not receive the justice they deserve. While Mr. Kabuga will not face judgment for his role in the suffering of the Rwandan people, "it is within our power to ensure other criminals do", he asserted. Fulgence Kayishema was arrested on 24 May and remains in detention in South Africa pending his initial transfer to Arusha. Having announced the death of Aloys Ndimbati on 14 November, his Office anticipates that it will account for its final two fugitives in the next year.

With the completion of its trials and appeals, his Office is now firmly focused on its remaining residual functions, he noted. The most important of these is assistance to national authorities continuing the accountability process for crimes committed in Rwanda and the former Yugoslavia. Rwandan authorities are still seeking to bring to justice over 1,200 fugitive genocidaires. Likewise, prosecutors in the former Yugoslavia still have over 1,000 suspected war criminals to investigate and, where warranted, prosecute. Domestic authorities in third-party Member States, particularly in Europe and North America, also have cases to process. In Rwanda, interlocutors have emphasized their focus on bringing to justice those who committed crimes during the 1994 genocide against the Tutsi. To achieve their objective, they have requested intensified support from his Office, he said. Similarly, in the former Yugoslavia, all war crimes prosecutors from the region and his Office recently held an annual conference to discuss the implementation of their national war crimes strategies and solutions for how to overcome challenges.

He went on to detail assistance provided by his Office to its national partners, including access to information contained within its evidence collection, which totals more than 11 million pages, thousands of hours of audiovisual material and physical artefacts — the most thorough repository of evidence concerning crimes committed in Rwanda and the former Yugoslavia. Further, utilizing its developed expertise, the Office provides assistance across a broad range of legal, evidentiary, prosecutorial and strategic matters, including through the preparation of investigative dossiers for national prosecutors concerning priority accountability gaps. His Office also offers expert support upon request to national prosecutors concerning fugitives from justice in Rwanda and the countries of the former Yugoslavia.

"There is no expiration date for the international community's obligation to prosecute genocide crimes," he said, noting that while international trials for the crimes in Rwanda and the former Yugoslavia have now concluded, national prosecutors — with his Office's support — are continuing the work in their courts. Additionally, with thousands of perpetrators from Rwanda and the former Yugoslavia still to be prosecuted, every Member State has the responsibility and opportunity to play their part by providing full cooperation. "We must also recognize that denial is the last resort of genocide ideology," he said, noting that "denial seeks to erase both the victims and the crimes". Relatedly, he cited the need to ensure that the truth is defended and promoted as "the ultimate responsibility that the Genocide Convention places on us, if we are to truly prevent and repress the 'crime of crimes'".

Statements

MICHEL XAVIER BIANG ([Gabon](#)), speaking in his capacity as Chair of the Working Group for International Tribunals, commended the spirit of compromise that allowed the adoption of resolution 2637 (2022) on appointment of the Mechanism's Prosecutor. Recognizing the thirtieth anniversary of the creation of the Former Yugoslavia and Rwanda Tribunals, he emphasized their essential role in fighting impunity for international peace and security. Despite challenges faced by the Mechanism, he praised the swiftness of judicial proceedings, protection of fundamental rights and witness protection. He expressed support to the Mechanism's strategy's focus on recruiting skilled personnel, strengthening cooperation and prioritizing existing tools for effective transition. Highlighting the importance of ongoing efforts in arresting fugitives, he welcomed progress in significant cases, expressing hope for justice in the Balkans. The Mechanism is "a moral bulwark against arbitrariness and mass atrocities", he said, adding: "The Mechanism is both a noble duty and a major asset in the fight against impunity."

DOMINGOS ESTÊVÃO FERNANDES ([Mozambique](#)) said his country strongly supports the work of the Mechanism in the pursuit of international justice, as ethnic cleansing, genocide and crimes against humanity are abhorrent. "It is our collective responsibility to honour the victims and survivors by holding accountable all those responsible for the atrocities committed against them," he stressed, encouraging efforts to transition to a truly residual "small, temporary and effective" Mechanism as originally envisioned. The situation of the acquitted and released persons who were relocated to Niger is concerning and also requires the Council's attention, he said, particularly after the 26 July coup d'état in Niger, as these people had already served their respective sentences and deserve their freedom. "Justice is best served locally," he stressed, calling for the combined efforts of national and international judicial institutions.

CHANAKA LIAM WICKREMASINGHE ([United Kingdom](#)) said the Mechanism's work has continued effectively and efficiently over the past six months, including the confirmation of the death of the fugitive Aloys Ndimbati. The arrest of the remaining two Rwandan fugitives must be done as soon as possible. The Mechanism's work remains critical, he said, as there are heightened ethno-national tensions and hate speech in the Western Balkans. He welcomed progress in the Mechanism's discussions with Croatia on the establishment in Zagreb of an Information Centre on the Former Yugoslavia Tribunal. Noting several outstanding issues impacting the Mechanism's ability to deliver its mandate, he expressed disappointment by reports of some States blocking cooperation in the Western Balkans and called on Serbia to fulfil its obligation to arrest and transfer Petar Jojić and Vjerica Radeta to the Mechanism. He also expressed concern over the Rwandan individuals relocated to Niger who have been rendered stateless since 2022 and remain under house arrest.

MARK A. SIMONOFF ([United States](#)), highlighting the Mechanism's tremendous work in delivering justice for some of the gravest crimes of the past century, recalled that, in May, South African authorities arrested Fulgence Kayishema, who had evaded arrest for 20 years. Mr. Kayishema is accused of genocide and crimes against humanity for his alleged role in the brutal murders of 2,000 Tutsi men, women and children at the Nyange Church. In June, the Appeals Chamber found that Félicien Kabuga, captured 26 years after he was indicted, is not competent to stand trial. "The decision to cease Kabuga's trial cannot restore what was lost," he noted. Turning to the Former Yugoslavia Tribunal, he said it has consistently demonstrated that even the most senior military and political leaders can be held accountable for atrocity crimes. Spotlighting the Tribunal's "immense contribution to the rule of law", he said the *Stanišić and Simatović* case recognizes the responsibility of these former Government official for war crimes and crimes against humanity, thus closing an important chapter in the history of international criminal justice. Further, he welcomed the Mechanism's efforts to help counter genocide denial and to enhance cooperation with the affected States.

GENG SHUANG ([China](#)) noted that the Mechanism was envisaged as a small, temporary and efficient structure, with functions and size diminishing over time. During the reporting period, the Mechanism has advanced its judicial activities systematically, completing court proceedings in all core criminal cases. With no ongoing or upcoming trials and appeals, he said his country anticipates the Mechanism's continued downsizing, rationalized expenditures and optimized allocation of financial resources. Underscoring the importance of pragmatic and effective cooperation with concerned countries for mandate implementation, he urged the Mechanism to strengthen its communication with the parties concerned, enhance mutual trust and accommodate each other's legitimate concerns.

RICCARDA CHRISTIANA CHANDA ([Switzerland](#)) said the conclusion of the latest trials in no way diminishes the Mechanism's relevance. Its determination to combat impunity remains crucial to promoting peace and preventing the deeply concerning revisionist tendencies and reported glorification of criminals. "The Mechanism's future deserves the Council's full attention," she said. As it enters a new phase of operation, the Mechanism will play an essential role in monitoring the implementation of sentences, assisting national authorities, tracking down fugitives and establishing the responsibility of the many people suspected of international crimes. An effective fight against international crimes requires sustained and strengthened cooperation and the Mechanism's crucial functions demand strong support from the United Nations, the Council and all States. "We deplore the lack of cooperation on the part of some of them in arresting and handing over suspects and urge them to redouble their efforts in this area," she said, encouraging States to strengthen their regional cooperation frameworks in criminal matters.

NORBERTO MORETTI ([Brazil](#)) noting that the Security Council conceived the Mechanism to be temporary, stressed that there must be clear timelines for the completion of its activities. Welcoming the recent conclusion of the core judicial cases, he pointed to the long-term residual functions that the Mechanism is expected to perform while or if their transfer to national jurisdictions is not possible, including the supervision of the enforcement of sentences. He called on all parties to fully cooperate with the Office of the Prosecutor in apprehending the two remaining fugitives and emphasized collaboration with the Mechanism for the execution of outstanding arrest warrants, orders of surrender, and relocation of acquitted or released individuals. Before the current mandates of the Mechanism's prosecutor and judges expire in June, he emphasized the entity needs additional time and resources to fulfil its mandated tasks.

FRANCESCA MARIA GATT ([Malta](#)) welcomed the Chambers' progress while acknowledging the need to continue work on the enforcement of sentences, preservation of archives and protection of witnesses. Also expressing support for the Office of the Prosecutor's focus on locating and arresting the remaining fugitives and assisting national jurisdictions, she stressed the need for capacity-building activities, such as the seminars on the prosecution of conflict-related sexual violence crimes for prosecutors from Eswatini and Ghana. Echoing the call for State cooperation, she said that States who can do so must take on enforcement responsibilities. The Mechanism and its predecessors have made significant steps in establishing facts and providing the historical record of atrocity crimes committed in Rwanda and the former Yugoslavia. It is important to make the public records of the ad hoc Tribunals and the Mechanism more accessible. Ensuring robust victim- and survivor-centred approaches that reflect input from affected communities is also crucial, she added.

ANDRIS STASTOLI ([Albania](#)) welcomed the work of the Mechanism for the appeal judgment in the *Stanišić and Simatović* case on 31 May, which represents the conclusion of all core crimes proceedings before the Tribunal. "It represents a milestone for international justice and provides comfort to thousands of victims," he underscored. The consolidation of the legacy of the ad hoc tribunals in the former Yugoslavia and Rwanda is important and the enforcement of sentences remains a must, he said. "Above all, justice is done when politicians engage fully and meaningfully in fighting genocide denialism and revisionism of atrocity crimes," he stressed, calling for making sure that the crimes of the past do not repeat again. He also called on all Member States to fully and unconditionally cooperate with the Mechanism so that no one can escape justice and urged Serbia to arrest and surrender Petar Jojić and Vjerica Radeta.

NAGANO SHUNSUKE ([Japan](#)), pleased by the Mechanism's remarkable progress this year, noted it delivered the appeal judgment on the *Stanišić and Simatović* case in May, and the *Kabuga* case was rendered an indefinite stay of trial in September. Pointing to the Mechanism's progress in investigation and prosecution, his delegation welcomed its transition from an operational court to a truly residual institution. It has an indispensable role, yet its activities and size should be narrowed over time, commensurate with its reduced functions, he said, noting the significance of the draft framework regarding the completion of the Mechanism's functions during this new phase. He commended the President's internal restructuring initiative, which combines a reduction of posts and streamlining workflows to optimize resources and efficiencies. He reiterated Japan's unwavering support for the Mechanism's activities and its commitment to promote the rule of law and international judicial institutions.

SOLOMON KORBIEH ([Ghana](#)) expressed concern about the challenges the Mechanism continues to face in the area of enforcement. The arrest of Fulgence Kayishema, one of the remaining fugitives indicted by the Rwanda Tribunal, on 24 May in South Africa, shows that States' cooperation with the Mechanism leads to early closure of cases, he pointed out, calling on all States harbouring fugitives to cooperate with the Mechanism and ensure justice for survivors and families of victims of atrocity crimes. Collaboration between the Office of the Prosecutor and national prosecutions is vital, he said, adding that this was instrumental in enabling the impending transfer of Mr. Kayishema to Rwanda for trial if the legal procedures are exhausted in South Africa. Noting also the witness protection measures put in place by the Mechanism, such as conducting threat assessments, he said such measures will encourage other witnesses not to recant when called upon to give testimonies.

MARIA ZABOLOTSKAYA ([Russian Federation](#)), noting that the judicial basket of the Mechanism is empty, said its efforts should be aimed at finalizing activities, as prescribed by the Council. New reasons for extending the existence of the Mechanism are being created, she said, adding that there can be no rational explanation for such an unusually long life of the ad hoc Tribunal. The structure, established temporarily, expects to continue at least until 2055, she stressed, pointing to the ongoing attempts to artificially increase the number of trials of the so-called contempt of court which can be handled by national courts. She said the Mechanism ignores the disregard for the rules and detention conditions for convicted Serbs and refuses to release them after serving two-thirds of their sentences. The conditions for the Serbs are in sharp contrast to the regime created for Kosovo Albanians, she emphasized, urging the Mechanism to consider the option of transferring Ratko Mladic to Serbia to serve his sentence.

DIARRA DIME-LABILLE ([France](#)) said the delivery of the appeal judgment in the *Stanišić and Simatović* case on 31 May marks a crucial stage in the judicial activity of the Mechanism and represents a victory of justice. She called on all States to collaborate with the Mechanism, in accordance with their international

obligations, and to support its activities to do justice to victims and promote reconciliation. Expressing regret that some partners are still refusing to do so, she welcomed the arrest of Fulgence Kayishema on 24 May, thanks to collaboration with South Africa and other countries. "We welcome the efforts to streamline the activities of the Mechanism," she said, noting with concern that the Mechanism is still finding difficulties relating to the resettlement of acquitted and convicted persons having served their sentence. It is important to successfully integrate these people in societies, she stressed. "We remain seriously concerned about the denial of crimes, hate speech and the glorification of those responsible for genocide and war crimes," she underscored.

RASHED JAMAL IBRAHIM IBRAHIM AZZAM (United Arab Emirates) reaffirmed the Mechanism's role in carrying out the residual work of the Tribunal for the former Yugoslavia and Rwanda as well as its role in achieving justice for victims and fighting impunity. Underscoring the need to address the root causes of these crimes — usually incited by hate speech, discrimination and racism — he welcomed the Mechanism's efforts to become more efficient, limit its workload and focus on future plans, as per the Security Council's vision. Accordingly, he urged the Mechanism to continue fulfilling its mandated functions, particularly in overseeing the enforcement of judgments, providing assistance to national jurisdictions and protecting witnesses and victims. However, States have the primary responsibility in holding accountable the perpetrators of crimes, he emphasized. Urging all States to fulfil their obligations and cooperate with the Mechanism, he said "achieving accountability and justice is the best way to honour victims".

ANDRÉS EFREN MONTALVO SOSA (Ecuador) said the Mechanism is a testament of the international community's firm and lasting commitment amid a validity crisis of international law. With no further cases to hear, the Mechanism's attention must now move towards its longer-term functions, he said, welcoming the draft framework for the completion of the Mechanism's operations. This framework should take into account the recommendations of the Office of Internal Oversight Services (OIOS) and the panel of judges. The Mechanism must continue to make efforts to fulfil its functions such as oversight of sentences and tracking of fugitives, he said, calling for a sense of collective responsibility and cooperation of States. Consolidating the legacy of the Mechanism and ad hoc tribunals, along with transferring specialized knowledge to national authorities for accessible public judicial records, is "an important tool to counter historical revisionism and war criminal glorification," he concluded.

ERNEST RWAMUCYO (Rwanda), noting that the Mechanism has officially acknowledged Rwanda's capability to conduct genocide trials, said his country needs the support of the Prosecutor's Office in addressing more than 1,000 genocide fugitives and a considerable number of appeals. As of December 2023, Rwanda has issued more than 1,000 indictments against genocide suspects in 33 countries and the International Criminal Police Organization (INTERPOL) secretariat, he said, urging relevant Member States to intensify their cooperation in apprehending these fugitives within their jurisdictions. Ensuring justice for the victims and survivors of the genocide against the Tutsi is "fundamentally about securing timely justice", he said, noting a lack of cooperation from certain Member States. "Each delay in this process equates to a denial of justice," he said, describing the ruling on Félicien Kabuga's unfitness to continue standing trial as "deeply disheartening" for survivors, victims and the Rwandan people.

Stressing that the fight against impunity is a collective responsibility, he underscored that each day a fugitive remains free is another day that justice is denied. He further urged the Security Council to condemn genocide denial. On the issue of the resettlement of the nine acquitted and released Rwandans, he said they are free to come back and live in Rwanda, highlighting his country's efforts in building unity and reconciliation.

ZLATKO LAGUMDŽIJA (Bosnia and Herzegovina) said his country is committed to investigating, prosecuting and punishing all persons responsible for war crimes, regardless of their nationality, ethnicity, religion, political or other affiliation. On 30 March, his country's Council of Ministers Herzegovina formed a supervisory body to monitor implementation of the Revised National War Crimes Strategy. One of the strategic goals of the Strategy is regional cooperation, which is not at a satisfactory level. "Around 3,000 suspected perpetrators of war crimes, crimes against humanity and genocide committed in the former Yugoslavia are yet to face justice," he stressed. More than 35 per cent of the total number of all unresolved cases in Bosnia and Herzegovina refer to persons unavailable to domestic criminal prosecution authorities, he said, adding that 63.3 per cent of those persons are located in Croatia, Montenegro and Serbia.

After the escape of accused Novak Djukic to Serbia, the Court of Bosnia and Herzegovina requested the judicial authorities of Serbia to recognize and enforce the final judgment in that case, but the Serbian judicial authorities never acted on the verdict, he said. Mr. Djukic is a retired general and lives in Serbia, avoiding serving a well-deserved prison sentence. "This not only damages the fragile process of rebuilding trust and open and future-oriented relations between our countries but also perpetuates narratives that go against every civilized norm and principle of humanity, justice and the rule of law," he said. He emphasized that the archives of the Former Yugoslavia Tribunal and the Mechanism are also the archives of the recent

history of Bosnia and Herzegovina and have priceless significance to his country. Therefore, they should be stored there, as the citizens of Bosnia and Herzegovina make up the largest part of the witnesses and victims who appeared in the court.

NEMANJA STEVANOVIĆ (Serbia), pointing to the lack of progress in the cases of Petar Jojić and Vjerica Radeta for contempt of court, called upon the Mechanism to reconsider its decision and to allow these cases to be referred to the Serbian judicial authorities. Turning to the *Vojislav Šešelj* case, he expressed hope that in these proceedings, there will be no oversights as seen in the case involving Petar Jojić and Vjerica Radeta. He assured that the Serbian justice system possesses the required legal and institutional framework to transparently handle these cases in cooperation with the Mechanism. He further requested to return comprehensive documentation previously submitted to the Mechanism and emphasized the need to review the newly established criteria for early release and parole.

Serbia is prepared to enforce prison sentences handed down by the Former Yugoslavia Tribunal and the Mechanism under its supervision. Pointing to the trial of Ratko Mladic, whose health hearing requests were denied by the Mechanism's President, he said Serbia is prepared to offer qualified medical personnel for his examination and is open to accommodating him under the Mechanism's conditions. Addressing the delay in negotiations between Serbia and Croatia on a war crimes agreement, he emphasized that this should not hinder regional cooperation. He also said that the complaints about Serbia's denial of crimes and glorification of convicts lack merit.

IVAN ŠIMONOVIĆ (Croatia) highlighting the verdict delivered in May against Jovica Stanišić and Franko Simatović, former top Serbian Security Service officials, said this judgment established a clear link between the top Serbian leadership and the atrocity crimes committed in Croatia and Bosnia and Herzegovina. He also expressed regret about Serbia's failure to arrest and transfer to the Hague Petar Jojić and Vjerica Radeta, who were accused of witness intimidation and interference. Acting in accordance with the Mechanism's arrest warrant is a national obligation under Chapter VII of the Charter of the United Nations, he stressed. Expressing his country's commitment to transparent, non-politicized, evidence-based judicial cooperation with other neighbouring States in matters related to war crimes, he added that that "this not a one-way process".

Croatia, he added, is still waiting for Serbia's response to its invitation to the fourth and final round of negotiations for a bilateral agreement on processing war crimes. Further, it is devastating to see the ongoing disrespect for the legal qualifications of the Tribunals and the Mechanism. Glorification of war criminals and the denial of committed crimes, including the genocide in Srebrenica, are unacceptable, he stressed, adding that they increase the suffering of victims, hamper reconciliation and destabilize the region. "They also confuse, if not poison, future generations," he added, pointing to Serbia's insufficient cooperation in the tracing of missing persons and mortal remains. That country's lack of political will to share information and enable access to archives remains the greatest obstacle to progress in resolving these cases, he added.

Mr. STEVANOVIĆ (Serbia), taking the floor for a second time, said every statement of the permanent representative of Croatia on the subject has an obsession with Serbia. Reading an excerpt from the Prosecutor's report, he said the report stated that Croatia's cooperation regarding war crimes cases with national judiciaries in the region has significantly worsened, and the effort of the Croatian justice sector has been concentrated on the prosecution of ethnic Serbs. As a result, Croatian victims don't receive real justice, he said, asking: "Will Croatian perpetrators continue to enjoy impunity?"

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