



## Security Council

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Original: English and French

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### **Letter dated 26 June 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council**

I have the honour to refer to Security Council resolution 2529 (2020), in connection with the agenda item entitled “International Residual Mechanism for Criminal Tribunals”, adopted on 25 June 2020. Resolution 2529 (2020) was adopted in accordance with the voting procedure set out in the letter dated 27 March 2020 from the President of the Security Council (S/2020/253), a procedure agreed in the light of the extraordinary circumstances caused by the coronavirus disease pandemic.

Pursuant to that procedure, I enclose herewith copies of the related documents:

- My letter dated 24 June 2020, addressed to the Permanent Representatives of the members of the Security Council (see annex I), putting to the vote the draft resolution contained in document S/2020/579 (see enclosure to annex I);
- Letters received in reply from members of the Security Council indicating their national position on the draft resolution (see annexes II to XVI);
- A statement subsequently submitted by a member of the Security Council providing its explanation of vote (see annex XVII).

The present letter and its annexes will be issued as a document of the Security Council.

*(Signed)* Nicolas **de Rivière**  
President of the Security Council



## Annex I

### **Letter dated 24 June 2020 from the President of the Security Council addressed to the Permanent Representatives of the members of the Security Council**

[Original: English and French]

In accordance with the procedure agreed upon by the members of the Security Council in the light of the extraordinary circumstances caused by the coronavirus disease pandemic, and as set out in the letter dated 27 March 2020 from the President of the Security Council addressed to all members of the Council (S/2020/253), I would like to draw your attention to the following.

The members of the Council have discussed a draft resolution, submitted by Viet Nam, in connection with the agenda item “International Residual Mechanism for Criminal Tribunals”. That draft resolution has been put in blue (S/2020/579, see enclosure).

In my capacity as President of the Security Council, I hereby put the above-mentioned draft resolution to a vote. The non-extendable 24-hour voting period for that draft resolution will begin at 2 p.m. on Wednesday, 24 June 2020 and expire at 2 p.m. on Thursday, 25 June 2020.

Please submit your vote (in favour, against or abstention) on that draft resolution and possible explanation of vote by sending to the Director of the Security Council Affairs Division of the Secretariat (egian@un.org) a letter signed by the Permanent Representative or Chargé d'affaires a.i. within the non-extendable 24-hour voting period set out above.

It is my intention to circulate a letter listing the outcome of the vote within three hours of the conclusion of the 24-hour voting period. I also intend to convene a video-teleconference of the Security Council to announce the outcome of the vote shortly after the conclusion of the voting period, on the afternoon of Thursday, 25 June 2020.

(Signed) **Nicolas de Rivière**  
President of the Security Council

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**Enclosure**

United Nations

S/2020/579

**Security Council**Provisional  
24 June 2020

Original: English

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**Viet Nam: draft resolution***The Security Council,*

*Reaffirming* its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Criminal Tribunal for Rwanda (ICTR), and the International Tribunal for the former Yugoslavia (ICTY) being brought to justice and, in this regard, *recalling* the mandate of the International Residual Mechanism for Criminal Tribunals (Mechanism) established by resolution 1966 (2010) of 22 December 2010,

*Recalling* Article 25 and Article 26 of the Statute of the Mechanism, set out in Annex 1 to resolution 1966 (2010), concerning the supervision of the enforcement of sentences and pardon or commutation of sentences, respectively,

*Having regard* to Article 14, paragraph 4 of the Statute of the Mechanism,

*Recalling* its decision in resolution 2422 (2018) adopted on 27 June 2018 appointing the Prosecutor of the Mechanism for a period from 1 July 2018 until 30 June 2020, and that the Prosecutor of the Mechanism may be appointed or reappointed for a two-year term, notwithstanding Article 14, paragraph 4 of the Statute of the Mechanism,

*Having considered* the nomination by the Secretary-General of Mr. Serge Brammertz as Prosecutor of the Mechanism (S/2020/580),

*Recalling* the strong need for States to cooperate with the Mechanism to achieve the arrest and surrender of those remaining fugitives indicted by the ICTR, and, in this regard, *recalling also* General Assembly resolution 74/273 of 21 April 2020 adopted during the review period,

*Recalling* its decision in resolution 1966 (2010) that the Mechanism shall operate for an initial period of four years from the first commencement date referred to in paragraph 1 of the resolution, to review the progress of the work of the Mechanism, including in completing its functions, before the end of this initial period and every two years thereafter, and that the Mechanism shall continue to operate for subsequent periods of two years following each such review, unless the Security Council decides otherwise,

*Noting* that the current period of operation of the Mechanism ends on 30 June 2020,

*Having conducted* its review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in June 2018, pursuant to paragraph 17 of resolution 1966 (2010) and in accordance with the procedure set out in the statement of its President of 28 February 2020 (S/PRST/2020/4),

*Acting under* Chapter VII of the Charter of the United Nations,

1. *Decides* to appoint Mr. Serge Brammertz as Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 July 2020 until 30 June 2022;

2. *Urges* States to cooperate fully with the Mechanism;

3. *Continues to urge* all States, especially States where fugitives are suspected of being at large, to intensify their cooperation with and render all necessary assistance to the Mechanism, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the ICTR as soon as possible;

4. *Notes* with concern that the Mechanism faces problems in the relocation of acquitted persons and convicted persons who have completed serving their sentence, *emphasises* the importance of finding expeditious and durable solutions to these problems, including as part of a reconciliation process, *encourages* all efforts to that end, and, in this regard, *reiterates* its call upon all States to cooperate with and render all necessary assistance to the Mechanism;

5. *Welcomes* the arrest in France on 16 May 2020 of Félicien Kabuga, indicted for genocide and crimes against humanity allegedly committed in Rwanda in 1994, *commends* the cooperation between the Mechanism, in particular the Office of the Prosecutor, and law enforcement and judicial authorities in France, as well as Rwanda, Belgium, the United Kingdom, Germany, Austria, the Netherlands, Luxembourg, the United States, Switzerland and others, together with EUROPOL and INTERPOL, which contributed to locating and to the arrest of the fugitive, and *recognises* this is an important step of cooperation with the Mechanism, in accordance with paragraph 4 of resolution 2422 (2018), to bring to justice persons indicted by the ICTR;

6. *Emphasises* that, in view of the substantially reduced nature of the residual functions, the Mechanism was established to be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions, and, recognising in this regard the full commitment to these elements expressed by the Mechanism, *requests* the Mechanism to continue to be guided in its activities by these elements;

7. *Welcomes* the report (S/2020/309) submitted by the Mechanism to the Council pursuant to its Presidential Statement (S/PRST/2020/4) for the purposes of the review of the progress of the work of the Mechanism, including in completing its functions, as required by paragraph 17 of resolution 1966 (2010), and the report of the Office of Internal Oversight Services (OIOS) on the evaluation of the methods and work of the Mechanism (S/2020/236), taking note of the OIOS's conclusions on the Mechanism's implementation of the OIOS recommendations and paragraph 8 of resolution 2422 (2018);

8. *Takes note* of the work of the Mechanism to date, in particular development of a legal and regulatory framework, procedures, and working practices consistent with the Statute of the Mechanism and drawing on lessons learned from and best practices of the ICTY and ICTR and of other tribunals, including use of rosters to ensure judges and staff are utilized only when required, enabling judges and staff to work remotely to the maximum extent possible, and minimizing the need for full

bench participation in pre-trial and pre-appeal hearing work, in order to produce substantial reductions in the costs of judicial activities compared to those of the ICTY and ICTR, and *commends* the Mechanism for its efforts to produce such reductions;

9. *Notes* further the views and recommendations made with regard to the Mechanism's work by the Council's Informal Working Group on International Tribunals, as reflected in this resolution, and *requests* the Mechanism to take into account those views and implement the recommendations, and to continue to take steps to further enhance efficiency and effective and transparent management, in particular: (i) full implementation of the outstanding recommendations of the OIOS; (ii) production of clear and focused projections of completion timelines at the earliest stage possible and disciplined adherence thereto; (iii) continued ensuring of geographic diversity and gender balance of staff, while ensuring continued professional expertise; (iv) continued implementation of a human resources policy consistent with its temporary mandate; (v) further reduction of costs, including through, but not limited to, flexible staff engagement; and (vi) coordination and information sharing across the three organs of the Mechanism on matters that affected them equally in order to ensure systematic thinking and planning about the future;

10. *Reiterates* its request to the Mechanism to include in its six-monthly reports to the Council information on progress achieved in implementing this resolution, as well as detailed information on the staffing of the Mechanism, respective workload and related costs with breakdown by division and detailed projections of the duration of residual functions based on available data;

11. *Recalls* the importance of ensuring the rights of persons detained on the authority of the Mechanism in accordance with applicable international standards, including those related to health care;

12. *Recalls* its encouragement to the Mechanism in resolution 2422 (2018) to consider an appropriate solution to the approach to early release of persons convicted by the ICTR, and *notes* that during the review period, conditions on early release in appropriate cases were put in place and the Mechanism refined procedures in this regard;

13. *Notes* the conclusion of the Council's review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in June 2018, pursuant to resolution 1966 (2010);

14. *Recalls*, with a view to strengthening independent oversight of the Mechanism, that, as set out in its Presidential Statement (S/PRST/2020/4), future reviews carried out pursuant to paragraph 17 of resolution 1966 (2010) shall include evaluation reports sought from the OIOS with respect to the methods and work of the Mechanism;

15. *Decides* to remain seized of the matter.

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## **Annex II**

### **Letter dated 24 June 2020 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council**

I refer to the letter dated 24 June 2020 from the President of the Security Council relating to the draft resolution on the International Residual Mechanism on Criminal Tribunals (S/2020/579).

In accordance with the procedure set forth for the adoption of resolutions under the current extraordinary circumstance caused by the coronavirus disease pandemic, I am pleased to indicate that Belgium votes in favour of the draft resolution. At this stage, my delegation does not intend to deliver an explanation of vote.

*(Signed)* Marc **Pecsteen de Buytswerve**  
Ambassador

Permanent Representative of Belgium to the United Nations

**Annex III****Letter dated 24 June 2020 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council**

I would like to thank you, Sir, and your team for the continued strong support in facilitating the voting procedure.

Please be kindly informed that China votes in favour of the draft resolution, submitted by Viet Nam, in connection with the agenda item “International Residual Mechanism for Criminal Tribunals” (S/2020/579).

*(Signed)* **Zhang Jun**  
Ambassador

Permanent Representative of China to the United Nations

## **Annex IV**

### **Letter dated 24 June 2020 from the Special Envoy to the Security Council of the Dominican Republic addressed to the President of the Security Council**

I refer to your letter, Sir, dated 24 June 2020, regarding draft resolution S/2020/579, on the extension of the mandate of the International Residual Mechanism for Criminal Tribunals.

Upon instructions from my Government, the delegation of the Dominican Republic votes in favour of the above mentioned draft resolution.

*(Signed)* **José Singer Weisinger**  
Ambassador

Special Envoy to the Security Council of the Dominican Republic



**Annex V****Letter dated 24 June 2020 from the Permanent Representative of Estonia to the United Nations addressed to the President of the Security Council**

I have the honour to inform you, Sir, in accordance with the relevant provisions of the Charter of the United Nations, that my delegation votes in favour of the draft resolution regarding the International Residual Mechanism for Criminal Tribunals (S/2020/579).

*(Signed)* **Sven Jürgenson**

Ambassador

Permanent Representative of Estonia to the United Nations

## **Annex VI**

### **Letter dated 24 June 2020 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council**

[Original: French]

I refer to the letter dated 24 June 2020 from the President of the Security Council, calling on the members of the Council to vote on the draft resolution, submitted by Viet Nam, in connection with the agenda item “International Residual Mechanism for Criminal Tribunals”, put in blue under the symbol S/2020/579. France votes in favour.

(Signed) **Nicolas de Rivière**  
Ambassador

Permanent Representative of France to the United Nations

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**Annex VII****Letter dated 24 June 2020 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council**

It is my honour to write to you, Sir, in response to your letter dated 24 June 2020, initiating a written voting procedure, in line with the agreement reached among the members of the Security Council.

The vote of the Federal Republic of Germany on the draft resolution submitted by Viet Nam in connection with the agenda item “International Residual Mechanism for Criminal Tribunals”, as contained in document S/2020/579, is as follows:

The Federal Republic of Germany votes in favour of the above-mentioned resolution.

(Signed) Christoph **Heusgen**  
Ambassador

Permanent Representative of Germany to the United Nations

## **Annex VIII**

### **Letter dated 24 June 2020 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council**

I am writing in reference to the letter by the Permanent Representative of France to the United Nations, in his capacity as the President of the Security Council, dated 24 June 2020, regarding the draft resolution in connection with the International Residual Mechanism for Criminal Tribunal (S/2020/579).

I hereby indicate that Indonesia votes in favour of said resolution.

(Signed) Dian Triansyah **Djani**  
Ambassador

Permanent Representative of Indonesia to the United Nations

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**Annex IX****Letter dated 24 June 2020 from the Permanent Representative of the Niger to the United Nations addressed to the President of the Security Council**

I am writing in response to the letter of the President of the Security Council dated 24 June 2020, calling on the members of the Security Council to express their votes on the draft resolution presented by Viet Nam under the item “International Residual Mechanism for Criminal Tribunals” (S/2020/579).

In accordance with the agreed provisional procedures for the adoption of resolutions during the coronavirus disease pandemic restrictions, I have the honour to indicate that the Republic of the Niger decides to vote in favour of said draft resolution.

*(Signed)* Abdou **Abarry**  
Ambassador  
Permanent Representative of the Niger to the United Nations

**Annex X**

**Letter dated 25 June 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council**

I have the honour, Sir, to acknowledge receipt of your letter dated 24 June 2020, on the beginning of the voting procedure for the draft resolution in connection with the agenda item “International Residual Mechanism for Criminal Tribunals” (S/2020/579).

In accordance with the procedure for the adoption of resolutions of the Security Council being in place for the duration of the restrictions on movement in New York due to the coronavirus disease pandemic outlined in the letter dated 27 March 2020 from the President of the Security Council (S/2020/253), I have the honour to inform you that the Russian Federation abstains in the voting on the draft resolution contained in document S/2020/579. An explanation of vote is attached below.

*(Signed)* Vassily **Nebenzia**

Ambassador

Permanent Representative of the Russian Federation to the United Nations

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**Annex XI****Letter dated 24 June 2020 from the Permanent Representative of Saint Vincent and the Grenadines to the United Nations addressed to the President of the Security Council**

I have the honour to refer to the draft resolution (S/2020/579) submitted by Viet Nam for the extension of the mandate of the International Residual Mechanism for Criminal Tribunals.

In that respect, I wish to inform you, Sir, that Saint Vincent and the Grenadines votes in favour of the above-mentioned draft resolution.

*(Signed)* Inga Rhonda **King**  
Ambassador  
Permanent Representative of Saint Vincent and the Grenadines  
to the United Nations

## **Annex XII**

### **Letter dated 24 June 2020 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council**

I refer, Sir, to your letter dated 24 June 2020, regarding the draft Security Council resolution on the International Residual Mechanism for Criminal Tribunals, contained in document S/2020/579.

The delegation of the Republic of South Africa votes in favour of the above-mentioned draft resolution.

(Signed) Jerry Matthews **Matjila**  
Ambassador

Permanent Representative of South Africa to the United Nations



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**Annex XIII****Letter dated 24 June 2020 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council**

With reference to the letter dated 24 June 2020 from the Permanent Representative of France, in his capacity as President of the Security Council, regarding the draft resolution submitted by Viet Nam in connection with the agenda item “International Residual Mechanism for Criminal Tribunals”, contained in document S/2020/579, I would like to inform you, Sir, that Tunisia votes in favour of that draft resolution.

*(Signed)* Kais **Kabtani**

Ambassador

Permanent Representative of Tunisia to the United Nations

**Annex XIV**

**Letter dated 24 June 2020 from the Chargé d'affaires of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council**

With reference to the letter from the President of the Security Council of 24 June 2020, the United Kingdom votes in favour of the draft resolution (S/2020/579), in connection with the agenda item “International Residual Mechanism for Criminal Tribunals”.

*(Signed)* Jonathan **Allen**  
Ambassador  
Chargé d'affaires of the United Kingdom of Great Britain  
and Northern Ireland to the United Nations

**Annex XV****Letter dated 24 June 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council**

On the draft resolution submitted by Viet Nam in connection with the agenda item “International Residual Mechanism for Criminal Tribunals” (S/2020/579), the United States of America votes in favour.

*(Signed)* Kelly **Craft**  
Ambassador  
Permanent Representative of the United States of America  
to the United Nations

**Annex XVI**

**Letter dated 24 June 2020 from the Permanent Representative of Viet Nam to the United Nations addressed to the President of the Security Council**

In reference to the letter of the President of the Security Council dated 24 June 2020 relating to the draft resolution in connection with the agenda item “International Residual Mechanism for Criminal Tribunals”, submitted by my country, as contained in document S/2020/579, I would like hereby to inform you, Sir, that Viet Nam has decided to vote in favour of the above-mentioned draft resolution.

*(Signed)* **Dang Dinh Quy**  
Ambassador  
Permanent Representative of Viet Nam to the United Nations

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**Annex XVII****Statement by the Permanent Mission of the Russian Federation to the United Nations**

The Russian delegation has consistently abstained in the voting on draft resolutions on the extension of the work of the International Residual Mechanism for Criminal Tribunals for further two-year periods as an outcome of its review by the Security Council. The reason is the unsatisfactory work of that body, which continues not to allow the Council to proceed with its legal closure.

One of the major problems, which our delegation has referred to on numerous occasions, is the absence of a judicial planning system. Unfortunately, the Residual Mechanism inherited this flaw from other criminal tribunals created by the Security Council. There is a separate provision on this point in resolution 2529 (2020). The Residual Mechanism must produce “clear and focused projections of completion timelines at the earliest stage possible and disciplined adherence thereto” (*para. 9*).

Our country is concerned with the protection of rights of persons detained under the authority of the Mechanism, in particular the quality and timeliness of the medical care provided to them. In the past, we repeatedly urged the International Tribunal for the Former Yugoslavia (ICTY) to conduct a serious inquiry into Ratko Mladić’s treatment and, if it was beyond the prison doctors’ capabilities to treat him, to temporarily release him for treatment in Russia, with our comprehensive guarantees. The Tribunal cynically refused to grant the motion of the accused’s lawyers. Serbia’s guarantees were also rejected.

The ICTY is no longer in existence, but the problem persists. The members of the Security Council are well aware of it since the issue has been brought to their attention. For several months now, we have been witnessing their struggle with administering the United Nations penitentiary institution in order to ensure appropriate medical care to an individual whose health is rapidly deteriorating.

Accordingly, a new provision has been included in resolution 2529 (2020), which underlines the importance of ensuring the rights of persons detained pursuant to the authority of the Mechanism, including those related to health care. We expect the Mechanism to fully implement the terms of this provision. We also expect the Office of Internal Oversight Services (OIOS) to monitor the implementation of the provision, and we are looking forward to receiving information on its implementation in the next OIOS report on the work of the Mechanism.

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