



Security Council

Sixty-seventh year

*Provisional***6889**th meeting

Monday, 17 December 2012, 3 p.m.

New York

<i>President:</i>	Mr. Loulichki	(Morocco)
<i>Members:</i>	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mr. Briens
	Germany	Mr. Wittig
	Guatemala	Ms. Rodríguez Pineda
	India	Mr. Manjeev Singh Puri
	Pakistan	Mr. Tarar
	Portugal	Mr. Madureira
	Russian Federation	Mr. Karev
	South Africa	Mr. Mashabane
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mr. DeLaurentis

Agenda

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

Report of the International Tribunal for the Former Yugoslavia (S/2012/592)

Letter dated 16 November 2012 from the President of the 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 addressed to the President of the Security Council (S/2012/847)

Letter dated 16 November 2012 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2012/849)

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12-65165 (E)



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The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

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

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Letter dated 16 November 2012 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2012/849)

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/927, which contains the text of a draft resolution submitted by Guatemala.

I wish to draw the attention of Council members to document S/2012/592, which contains the report of the International Tribunal for the Former Yugoslavia.

I also wish to draw the attention of members to documents S/2012/847 and S/2012/849, which contain, respectively, a letter dated 16 November 2012 from the President of the 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 addressed to the President of the Security Council, and a letter dated 16 November 2012 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

None

Abstaining:

Russian Federation

The President (*spoke in Arabic*): There were 14 votes in favour and none against, with one abstention. The draft resolution has been adopted as resolution 2081 (2012).

I shall now give the floor to the members of the Council who wish to make statements following the adoption of the resolution.

Mr. Karev (Russian Federation) (*spoke in Russian*): The Russian delegation abstained in the voting on resolution 2081 (2012) for the following reasons.

It is obvious to us that there are serious systemic problems in the work of the Tribunal that that body is not dealing with by itself. The interminable trial delays, along with the clear inability of the Tribunal to execute its mandate, are too costly not only for some of the accused, but also for the international community. In particular, that situation leads to a heavier financial burden for States Members of the United Nations.

The so-called “measures to enhance the efficiency of trials” undertaken by the leadership of the Tribunal have had the opposite effect. The systematic failure of the leadership of the Tribunal to honour its promises on deadlines for completing its work has definitely undermined our confidence in that body.

In those circumstances, the need for urgent measures to rectify the situation in the International Criminal Tribunal for the Former Yugoslavia (ICTY) is, in our opinion, beyond all doubt. Such a set of measures was suggested by the Russian delegation at the stage of preparing the resolution just adopted. In particular, we suggested the speedy conduct of an independent

analysis of the legal and administrative activities of the ICTY. That would have helped to understand the nature of the insufficiencies and miscalculations in the work of the Tribunal. With such objective information, the Security Council would finally have been able to proceed to develop practical steps to help the Tribunal to fulfil resolution 1966 (2010). Unfortunately, for reasons beyond our comprehension, that proposal did not find a positive response among several Council members and was not included in the final draft. That did not allow us to support today's resolution.

Sir Mark Lyall Grant (United Kingdom): We welcome the adoption of resolution 2081 (2012), and we regret that consensus on it was not possible.

I reiterate the United Kingdom's full support for the International Criminal Tribunal for the Former Yugoslavia. The resolution we have adopted today enables the judges to continue to play their part in the Tribunal's work. We fully respect the independent and impartial way in which they do so.

We commend the Tribunal for the creative way that it has been addressing the issue of staff retention and for the steps that it has taken under the able leadership of President Meron to improve efficiency and to complete its work as expeditiously as possible. We are confident that the Tribunal will continue to do everything that it can in that regard.

It is of particular note that only two trials — those of Mr. Mladić and Mr. Hadžić, who were arrested last year — are scheduled to go beyond the original target date of 31 December 2014.

We reaffirm our commitment to help the Tribunal to complete the mandate that the Security Council conferred upon it. The Tribunal plays an essential role in the fight against impunity and in delivering justice to the countless victims of atrocities in the former Yugoslavia. For that we owe it a debt of gratitude.

Mr. DeLaurentis (United States of America): We welcome the adoption of resolution 2081 (2012). We would like to reiterate what we said during the Council's meeting on Tribunals on 5 December (see S/PV.6880). The United States fully supports the International Criminal Tribunal for the Former Yugoslavia (ICTY) and respects its rulings. We support the ongoing managerial steps taken by the Tribunal under the leadership of President Meron to improve its efficiency across the board and to facilitate the transition to the Residual Mechanism. In that regard, we also note that the only two ICTY trials that will not be completed by the requested date of 31 December 2014, as set forth in resolution 1966 (2010), are those major proceedings resulting from the arrests of Mladić and Hadžić. The arrests occurred last year after the adoption of that resolution.

We join others on the Council in the ongoing effort to support the Tribunal to complete its critical mandate in the most expedient way possible, consistent with the requirements of the international judicial process.

The President (*spoke in Arabic*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 3.25 p.m.