



Security Council

Sixty-ninth year

Provisional

7348th meeting

Thursday, 18 December 2014, 3 p.m.

New York

President: Mr. Cherif (Chad)

Members:

Argentina	Ms. Millicay
Australia	Mr. Quinlan
Chile	Mr. Barros Melet
China	Mr. Liu Jieyi
France	Mr. Bertoux
Jordan	Mr. Hmoud
Lithuania	Mr. Baublys
Luxembourg	Mr. Flies
Nigeria	Mr. Adejola
Republic of Korea	Mr. Oh Joon
Russian Federation	Mr. Churkin
Rwanda	Mr. Sana
United Kingdom of Great Britain and Northern Ireland . . .	Mr. Tatham
United States of America	Mr. Pressman

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

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

Report of the International Criminal Tribunal for Rwanda (S/2014/546)

Report of the International Tribunal for the Former Yugoslavia (S/2014/556)

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Letter dated 19 November 2014 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2014/826)

Letter dated 19 November 2014 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/2014/827)

Letter dated 19 November 2014 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2014/829)

The meeting was called to order at 3.05 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

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

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Letter dated 19 November 2014 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2014/829)

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

Members of the Council have before them documents S/2014/907 and S/2014/908, respectively containing the texts of two draft resolutions submitted by Chile.

I wish to draw the attention of Council members to documents S/2014/546 and S/2014/556, respectively containing the report of the International Criminal Tribunal for Rwanda and the report of the International Tribunal for the Former Yugoslavia.

I wish to draw the attention of members to documents S/2014/827 and S/2014/829, respectively containing a letter dated 19 November 2014 from the President of the International Tribunal for the Former Yugoslavia and a letter dated 19 November 2014, from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

I also wish to draw the attention of Council members to document S/2014/826, which contains a letter dated 19 November 2014 from the President of the International Residual Mechanism for International Criminal Tribunals, addressed to the President of the Security Council.

I shall first put to the vote the draft resolution contained in document S/2014/907, submitted by Chile.

A vote was taken by show of hands.

In favour:

Argentina, Australia, Chad, Chile, China, France, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Russian Federation

The President (*spoke in French*): There were 14 votes in favour and one abstaining. The draft resolution has been adopted as resolution 2193 (2014).

I now give the floor to those members of the Council who wish to make statements after the voting.

Mr. Churkin (Russian Federation) (*spoke in Russian*): At the outset, we wish to thank the delegation of Chile for its constructive efforts in preparing resolution 2193 (2014), extending the mandate of the Judges and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda.

We are extremely disappointed that the ICTY has not acted in accordance with resolution 1966 (2010) with respect to the time frame for the conclusion of

its work. Last year's resolution 2130 (2013) extending the mandate of the Judges to December required the Tribunal to take all possible measures necessary to complete its work with the aim of facilitating the closure of the Tribunal, taking into account resolution 1966 (2010). These measures, unfortunately, have not been taken. Moreover, the time frame forecast for the conclusion of the Tribunal's business has not only not been shortened, but in fact has been significantly lengthened.

It would seem at times that any justification is sought to ensure the maximum delay in the consideration of certain cases. The Tribunal would appear to pay no heed to Security Council resolutions, which is unacceptable on the part of that entity of international justice. Objective contexts, such as the state of health of certain defendants, can only partially explain the delays. Planning within the Tribunal is clearly ineffective, and the distribution of work inequitable. For example, the six-month delay in one appeal was "based on an incorrect assessment of the case, as compared with other cases" (*S/2014/556, para. 38*), as well as by "difficulties... in the activities of the legal team" (*ibid.*), as clearly outlined in the November report of the ICTY.

We also fail to understand why, in one case, the Tribunal requested six months to study materials, and then asked for a further year. The President of the Tribunal decided to compromise in this case, as a result of which the Judges appointed in 2013 cannot actually begin their work on the case until June 2015 if they do

not wish to re-read all of the material with which they are seized.

We have often proposed the use of outside expertise for the Tribunals' administrative affairs, which we believe could truly serve to rectify the situation. Those proposals, unfortunately, are not reflected in the new resolution. The situation with respect to the implementation of Security Council decisions concerning the closure of the Tribunal by next year has hardly improved. In that context, our position on the resolution has not changed and our delegation has abstained in the voting, as it did last year.

The President (*spoke in French*): I shall now put to the vote the draft resolution contained in document S/2014/908, submitted by Chile.

A vote was taken by show of hands.

In favour:

Argentina, Australia, Chad, Chile, China, France, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2194 (2014).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.15 p.m.