



Security Council

Seventieth year

7593rd meeting

Tuesday, 22 December 2015, 10 a.m.

New York

Provisional

President: Ms. Power (United States of America)

Members:

Angola	Mr. Gimolieca
Chad	Mr. Gombo
Chile	Mr. Barros Melet
China	Mr. Wang Min
France	Mr. Delattre
Jordan	Mrs. Kawar
Lithuania	Ms. Murmokaitė
Malaysia	Mr. Ibrahim
New Zealand	Mr. Van Bohemen
Nigeria	Mrs. Ogwu
Russian Federation	Mr. Zagaynov
Spain	Mr. González de Linares Palou
United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

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/2015/577)

Report of the International Tribunal for the Former Yugoslavia (S/2015/585)

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Letter dated 16 November 2015 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/2015/874)

Letter dated 17 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/883)

Letter dated 17 November 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2015/884) Letter dated 20 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/896)

The meeting was called to order at 10.05 a.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 20 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/896)

The President: The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2015/1005, which contains the text of a draft resolution submitted by Chile.

I wish to draw the attention of Council members to documents S/2015/577 and S/2015/585, which contain, respectively, the report of the International Criminal Tribunal for Rwanda and the report of the International Tribunal for the Former Yugoslavia.

I also wish to draw the attention of members to documents S/2015/874 and S/2015/884, which contain, respectively, a letter dated 16 November 2015 from the President of the International Tribunal for the Former Yugoslavia and a letter dated 17 November 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

I further wish to draw the attention of Council members to documents S/2015/883 and S/2015/896, which contain, respectively, a letter dated 17 November 2015 and a letter dated 20 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council.

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

Mr. Barros Melet (Chile) (*spoke in Spanish*): The draft resolution (S/2015/1005) presented today for adoption in the area of international justice encompasses two central aspects of the work of the ad hoc tribunals and the Residual Mechanism. The first pertains to the extension of the mandates of judges and the Prosecutor of the International Tribunal for the Former Yugoslavia, which is absolutely necessary in the context of the completion strategy. The second has to do with the launching and conclusion of the first review process of the Mechanism, in accordance with resolution 1966 (2010). Having taken on the unprecedented task of leading the first review process of the Residual Mechanism, allow me to refer to the various stages of the process, which will conclude today with the adoption of this draft resolution.

Following several meetings of the Informal Working Group on International Tribunals, on 16 November the Security Council adopted presidential statement S/PRST/2015/21. That statement constitutes a veritable road map towards meeting the provisions of resolution 1966 (2010). A special report was then prepared by

the Mechanism itself, as well as one by the Office of Internal Oversight Services. The Informal Working Group took up both reports at a special meeting held in December. On that occasion, the first in series of comments and questions were transmitted to the Mechanism's officials for their prompt response.

At the last formal meeting of the Informal Working Group, on 7 December, Mechanism President Theodor Meron and Prosecutor Hassan Jallow comprehensively answered the questions raised by the various members. Following the meeting, the Chair of the Group raised the possibility of submitting additional written questions without need for further consultations.

Finally, taking into account the exchange of views concerning the operation of the Mechanism in its first few years of existence, members of the Informal Working Group considered it important that the text of the draft resolution on this issue refer to the recommendations that emerged from that dialogue. The text of the draft resolution before us reflects the views and recommendations expressed by the Working Group during the review process.

This draft resolution will likely mark the end of Chile's term as Chair of the Informal Working Group on International Tribunals for the period 2014 to 2015. It was with great pleasure that we attended the closure of the International Criminal Tribunal for Rwanda. We also noted the progress made and the ongoing challenges in contributing to the fight against impunity on the part of both the International Tribunal for the Former Yugoslavia and the Mechanism. My country is convinced that cooperation on the completion strategy represents one of the most direct ways of contributing to international justice in cases of crimes against humanity. Our commitment therefore remains intact.

I would like to conclude by reiterating our appreciation to all who have contributed to the functioning of the Tribunals and the Mechanism, with a special mention of the constant support of the Secretariat and the Office of the Assistant Secretary-General for Legal Affairs. Our gratitude also goes out to the leadership of those offices, as well as to Mr. Miguel de Serpa Soares and Mr. Stephen Mathias and his colleagues Mr. Paul Oertly, Ms. Ana Peyros, Ms. Tiyanjana Mphepo and Ms. Philomena Cleobury.

The President: 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:

Angola, Chad, Chile, China, France, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela (Bolivarian Republic of)

Abstaining:

Russian Federation

The President: There were 14 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 2256 (2015).

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

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): As in previous years, my delegation abstained in the voting on resolution 2256 (2015), for we were unable to find the situation with regard to the implementation of resolution 1966 (2010) and the conclusion of the activities of the International Tribunal for the Former Yugoslavia as satisfactory. The latter resolution included clear guidelines for the conclusion of the work of the Tribunals, which they have not implemented. Unfortunately, the International Tribunal for the Former Yugoslavia has again deferred the set timetable for its proceedings. The situation has hardly improved.

It is worth recalling that, in line with a decision of the Security Council in 2003, the International Tribunal for the Former Yugoslavia was to have completed its work five years ago. However, since the adoption of resolution 1966 (2010), practically no instance of the consideration of the reports of the activities of the Tribunal has gone by without the Council being informed of delays in pending cases. The Council previously extended the mandates of judges and of the Prosecutor, provided that the Tribunal took all the necessary steps to speed up legal proceedings. We regret that such extensions have continued to fail to produce the desired results. No actionable decisions have been taken. As a result, the Security Council faces yet another round of foot-dragging. We expect real action on the part of the Tribunal's new leadership to speed up cases. An initial indicator would be the conclusion of the unprecedented lengthy case of Mr. Šešelj, on which a decision is expected within three months. We

hope that the recommendations of the Office of Internal Oversight Services with regard to the work of the Tribunal in meeting its completion strategy will help to address existing shortcomings.

We take note of the first review of the Residual Mechanism in the context of resolution 1966 (2010) — a

necessary element for the continuation of its work during the next biennium. We call on the Mechanism to take up the recommendations of the resolution as carefully as possible.

The meeting rose at 10.15 a.m.