



Security Council

Seventy-sixth year

8790th meeting
 Tuesday, 8 June 2021, 3 p.m.
 New York

Provisional

President: Mr. Jürgenson/Mr. Auväärt (Estonia)

Members:

China	Mr. Geng Shuang
France	Mrs. Dime Labille
India	Mr. Raguttahalli
Ireland	Ms. Byrne Nason
Kenya	Mr. Kiboino
Mexico	Mrs. Buenrostro Massieu
Niger	Mr. Aougi
Norway	Ms. Heimerback
Russian Federation	Mr. Kuzmin
Saint Vincent and the Grenadines	Ms. King
Tunisia	Mr. Ladeb
United Kingdom of Great Britain and Northern Ireland	Mr. Woodroffe
United States of America	Mr. DeLaurentis
Viet Nam	Mr. Dang

Agenda

International Residual Mechanism for Criminal Tribunals

Letter dated 17 May 2021 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2021/487)

*Reissued for technical reasons 14 September 2021.

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

International Residual Mechanism for Criminal Tribunals

Letter dated 17 May 2021 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2021/487)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to participate in this meeting.

On behalf of the Council, I welcome His Excellency Mr. Aleksandar Vučić, President of the Republic of Serbia.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals.

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

I wish to draw the attention of the Council members to document S/2021/487, which contains the text of a letter dated 17 May 2021 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council.

I now give the floor to Judge Agius.

Judge Agius: It is my great pleasure to brief the Security Council once again on the progress of the International Residual Mechanism for Criminal Tribunals in the implementation of its mandate and to do so under the presidency of Estonia. Estonia has a distinguished record of supporting the rule of law — and the Mechanism in particular — and I wish it every success during its presidency.

A few hours ago, the Mechanism's Appeals Chamber pronounced its judgment in a high-profile case against Mr. Ratko Mladić. In brief, the Appeals Chamber

dismissed Mr. Mladić's appeal and affirmed his convictions for genocide, persecution, extermination, murder, deportation and other inhumane acts consisting in forcible transfer as crimes against humanity and for murder, terror, unlawful attacks on civilians and hostage-taking as violations of the laws or customs of war. The Appeals Chamber also dismissed the Prosecution's appeal and affirmed the Trial Chamber's finding that Mr. Mladić is not guilty of genocide in relation to crimes committed in certain municipalities in Bosnia and Herzegovina. The Appeals Chamber affirmed Mr. Mladić's sentence of life imprisonment. I invite Council members to read the Judgment, which includes both the majority position and dissenting opinions and is already publicly available on the Mechanism's website.

On this occasion, I wish to thank the judges of the bench as well as the assigned Chambers team for their tireless efforts to ensure that any delays in the conduct of the case and the delivery of the judgment were kept to a minimum. This was a remarkable achievement, given that the appeal process was complex from the beginning. I recall that issues pertaining to the disqualification of judges on the bench had to be addressed early on in the proceedings and that the health situation of Mr. Mladić required the postponement of the appeal hearing originally scheduled for March 2020. Then the coronavirus disease pandemic struck, and travel restrictions and social-distancing requirements caused progress to be further impeded. Finally, we had the unexpected and tragic passing of a member of the bench — in this case, Judge Gberdao Gustave Kam, of Burkina Faso — in February of this year. The Mechanism — and I personally — still deeply mourn his loss.

I take this opportunity to honour Judge Kam and his impressive contributions to international justice. He was not only an excellent judge with a brilliant legal mind, but also a kind and enthusiastic colleague who was valued and respected by his fellow judges and staff alike. At this sad moment, the Mechanism was fortunate that Judge Mustapha El Baaj of Morocco agreed to be appointed to the Bench at short notice in Judge Kam's place. I sincerely commend Judge El Baaj for taking on the substantial responsibilities involved in joining this case at a later stage. Thanks to his diligence and unrelenting efforts, the deliberations and judgment preparation could continue. In the end, the

Appeals Chamber was able to pronounce its judgment just shortly after the previously projected date.

With today's delivery, the Mechanism has made another tremendous step towards the finalization of its core judicial work. This case is also a testament to what can be achieved through international justice processes when States have the will to cooperate and overcome geopolitical roadblocks. In that regard, I recall that, while Mr. Mladić was indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) as early as 1995, it was thanks to the persistence of the ICTY Prosecutor, together with the support of the international community, that 15 years later his arrest was eventually secured. The issuance of the final judgment sends a strong message to victims of atrocities committed in the former Yugoslavia and elsewhere that the perpetrators of such heinous crimes will ultimately be brought to justice regardless of their position or how powerful and untouchable they consider themselves to be. While judgments such as this cannot bring back loved ones or heal the wounds or trauma endured, it is my hope that victims and their families will take some measure of solace from seeing justice being done and history being recorded.

Today's events leave us with two more judgments to be issued this month.

First, I am pleased to inform you that the judgment in the *Stanišić and Simatović* retrial is expected to be delivered by 30 June. The proceedings progressed extremely efficiently during the reporting period, with closing arguments held in April despite various challenges and intensive deliberations continuing apace. I commend the Trial Chamber for having kept things on track throughout. Following the conclusion of the retrial, any appeal proceedings in that case will be heard at the Hague Branch.

Secondly, at the Arusha Branch, the contempt case against Mr. Anselme Nzabonimpa et al., formerly *Turinabo et al.*, is also nearing its conclusion. Notwithstanding pandemic-related obstacles that impacted the parties' ability to prepare their cases for trial, and the unfortunate passing of co-accused Mr. Maximilien Turinabo, the defence phase was completed by 7 May. The closing arguments are scheduled from 21 to 23 June and the trial judgment is expected before the end of the month. Any appeals from the judgment will be heard at the Arusha Branch.

With regard to other proceedings related to the International Criminal Tribunal for Rwanda (ICTR), I take this opportunity to provide an update on the case against Mr. Félicien Kabuga, who remains detained in The Hague following his transfer to the United Nations Detention Unit in October 2020. At a status conference held on 1 June, the parties discussed progress made with regard to case preparation and other relevant issues, and, following that, a pretrial workplan was announced. Furthermore, an independent medical expert has been assigned to examine Mr. Kabuga's health, including his fitness to stand trial and ability to travel to the Arusha Branch. A report on those questions is expected later in June.

While most of our cases involving in-court proceedings are winding up, I recall that the Mechanism is, of course, mandated to carry out many other residual functions. Among them is the supervision of the enforcement of sentences imposed by the ICTR, the ICTY and the Mechanism itself. I again express my deepest appreciation for the invaluable contribution of the 15 States Members of the United Nations in Africa and Europe that, in currently enforcing the sentence of one or more convicted persons, continue to assume significant additional responsibilities. I fully recognize that that has been more challenging during the pandemic.

Your country, Mr. President, as well as France, Norway and the United Kingdom, present here today, together with the Mechanism's other enforcement States, have gone above and beyond in enabling us to carry out our mandate. I praise each of them for taking the necessary measures to keep our convicted persons safe and for regularly reporting to the Mechanism with regard to their well-being and the COVID-19 situation within the relevant prisons.

Bearing in mind the paramount importance of securing the continued enforcement of sentences, I sincerely hope that additional States will step forward and enter into enforcement agreements with the United Nations for that purpose. That would allow the Mechanism to expand its enforcement capacity and to alleviate the burden on those States that have already supported us in that regard for many years.

Turning to a separate matter, I note that the report before the Security Council is in fact the twenty-third report of the Mechanism raising the situation of the acquitted and released persons in Arusha. It is of

fundamental importance that those individuals, who were either acquitted by the ICTR or have served their sentence, be resettled. Regrettably, a sustainable solution is yet to be found. However, I laud the efforts made by our Registrar, Mr. Abubacarr Tambadou, to keep exploring new possibilities despite the difficulties created by the ongoing global health crisis. As all Council members are aware, we depend on the international community's assistance in resolving this long-standing challenge, which impacts on the Mechanism's ability to complete its mandate. The Security Council's continued leadership and the cooperation and support of Member States are essential in tackling this situation once and for all.

I now refer to my letter of 11 May (S/2021/452) informing the members of this organ of the Republic of Serbia's continued failure to comply with its international obligations to arrest Mr. Petar Jojić and Ms. Vjerica Radeta and surrender them to the Mechanism. Upon the request of Judge Liu Daqun, the single judge seized of the case, I exercised my duty to notify the Security Council of Serbia's non-cooperation with the Mechanism. It has been more than six years since Serbia was first requested by the ICTY to execute arrest warrants in relation to those accused persons, and this is the third time that Serbia's failure to cooperate, despite endless opportunities to do so, has been reported to the Council. Serbia's inaction not only undermines the effective administration of justice before the Mechanism, but also defies the international community by challenging the Security Council's authority and the Charter of the United Nations.

We have come a long way since the Security Council's pioneering decisions to establish the ICTY and the ICTR, and later the Residual Mechanism itself. Equipped with a legacy of unparalleled achievements in international criminal justice thanks to the ad hoc Tribunals, the Mechanism has been able to further close the impunity gap. Since it commenced operating, it has rendered landmark judgments, tracked the remaining ICTR fugitives, overseen the enforcement of sentences, continued to protect witnesses and victims, safeguarded the precious archives and assisted and monitored national proceedings for international crimes. No other institution is endowed with such a versatile and demanding mandate.

However, our accomplishments are not to be assessed in a void, and neither should they be taken for granted. As is evident from what I have shared with

the Security Council today, our progress in ensuring accountability and strengthening the rule of law is very much dependent upon States staying the course. Indeed, the backbone of the Mechanism's success is the support of the Security Council and that of the international community at large. It is our symbiotic relationship with Member States that has brought fugitives to justice and ensured that those convicted can serve their sentences. Without States' willingness to assist and cooperate, the efforts of the Mechanism cannot materialize. Without their ongoing trust, the Security Council's vision, as expressed in the creation of the two ad hoc Tribunals and the Residual Mechanism, will never come to its full fruition.

On behalf of the principals, judges and dedicated staff, I would like to convey our deep gratitude in particular to our host countries, our enforcement States and all Security Council members for their unwavering support. Their robust commitment is admirable. I encourage others to follow suit so that the Mechanism lives up to its potential and that international criminal justice delivers on its promise.

The President: I thank Judge Agius for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I am grateful for this opportunity to remotely address the Security Council about the activities of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals. Our written report provides details about our activities and results during the reporting period in relation to our strategic priorities. Today I would like to highlight a few important issues.

In July 1995, Ratko Mladić was indicted by my Office for the atrocities he committed against hundreds of thousands of innocent civilians in Bosnia and Herzegovina. For more than a decade and a half, he was among the world's most wanted fugitives and a symbol of a culture of global impunity. Today though, justice has been done. After a fair trial by impartial international judges, Mladić was finally convicted for his crimes and sentenced to the most severe punishment possible.

I spoke earlier today with the mother of Srebrenica survivors of Mladić's genocide. For 26 years, they have suffered the loss of their husbands, fathers and sons and have courageously fought to see Mladić punished for his crimes. They have asked me to convey to the Security Council a simple message: justice matters. It

is not a slogan, but a fundamental truth. Justice matters to the victims because, while it will never bring back their loved ones, it can mitigate the pain they must live with. But even more, they told me, justice matters to the present and the future.

Today too many perpetrators in conflicts around the world still use their power to cause inhumane suffering. Too many commanders still treat innocent lives as inconsequential. There are sadly still too many people like Mladić.

Justice matters because it is how we condemn and punish great wrongs so that they are not repeated. That is why today is not about only what we have achieved, but about what more there is still to be achieved. For my Office, while we take satisfaction from Mladić's final conviction, we are also aware of the work we still have ahead of us.

A major part of our remaining work is at the Arusha Branch, where we continue to seek more justice for the victims of the 1994 genocide against the Tutsi in Rwanda. The *Kabuga* case is one of our key priorities, obviously. Following his arrest last May, after two decades as a fugitive, my Office has quickly undertaken further investigations and preparations for the commencement of his trial.

In February, we took an important step forward with the confirmation of our amended indictment. We made a number of key updates and revisions to streamline and clarify the case, including specific incidents of sexual violence. Ultimately, we believe the amended indictment will promote an expeditious trial while appropriately reflecting Kabuga's added criminal responsibility.

We are now fully focused on trial preparations. We will submit our pretrial brief and complete key pretrial responsibilities by the end of August, and my Office is currently committed to being ready to start trial when decided by the Trial Chamber.

Also, the *Nzabonimpa* case, which is an old case, will soon conclude, with a judgment expected in the coming weeks. The importance of that case must be underscored. Corrupting witnesses strikes at the core of the justice process, and my Office will continue to fulfil its mandate to investigate and prosecute contempt of court cases.

Finally, in the *Stanišić and Simatović* case, we delivered our closing arguments and are now expecting a judgment in the near future.

My Office further continues to actively search for the remaining six fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR). A few years ago, I informed the Council that we were reforming and strengthening our fugitive tracking activities on the understanding that it was our responsibility to demonstrate a track record of success (see S/PV.7960). Those efforts produced results, as demonstrated last year by the arrest of Kabuga and the confirmation of Bizimana's death.

Currently we have viable leads on all remaining fugitives and, with continued efforts, we can reasonably expect further results. Our primary challenge, however, is the lack of full and effective cooperation from Member States. Simply put, a number of countries are not adhering to their international obligations and are preventing my Office from securing arrests.

Six months ago, I informed the Security Council that Kayishema remains at large because South Africa fails to provide cooperation. Unfortunately, the situation remains unchanged and there has been no meaningful improvement. As it stands today, South African authorities are effectively sending the message that their country is a safe haven for fugitive génocidaires.

With respect to the other fugitives, our priority is Protais Mpiranya, former Commander of the Presidential Guard. While some investigations are hindered by the absence of cooperation from key Member States, other investigative leads are still moving forward. In particular, we are actively investigating evidence that Mpiranya, in addition to his crimes during the genocide, has for the past two decades has engaged in further serious criminal activity. We have reasons to believe that he has also operated business enterprises using illicit funds. Many individuals are likely to have interacted with him or learned of him. Those are persons of interest to us, and we encourage them to come forward with information about Mpiranya. My Office reiterates that any person, including Mpiranya's associates and supporters, who provides information leading to an arrest is eligible for a reward of up to \$5 million.

My Office is determined to account for the remaining fugitives as quickly as possible so that our tracking activities can finally be brought to an end.

I know that the Security Council fully shares and supports that goal. As my Office works to resolve the challenges we face, the firm support of the Council will be vital.

As I mentioned earlier, the final judgment against Mladić reminds us of the other important work still ahead. In particular, many of Mladić's accomplices and subordinates still need to be held accountable for their crimes, like many other war crime perpetrators in all the countries of the former Yugoslavia. That is why my Office's third strategic priority is to assist national jurisdictions prosecuting international crimes committed in the former Yugoslavia and in Rwanda. And I was recently again in contact with the Chief Prosecutors in Sarajevo, Belgrade and Zagreb in that regard.

I would like to briefly update Council members on three important developments.

First, the arrest of Kabuga has brought renewed attention to continuing national efforts to prosecute alleged génocidaires. During the reporting period, Rwandan authorities achieved important results in cases referred by the ICTR under rule 11 bis. My Office continues to urge all countries to provide full cooperation to the Prosecutor General of Rwanda as he seeks to account for hundreds more fugitives who remain at large.

Secondly, in both Bosnia and Herzegovina and Serbia, new national war crimes strategies are being put in place. There are still thousands of war crime suspects to process in those two countries. The new strategies set high expectations for the swift resolution of outstanding cases and should also address shortcomings in previous efforts.

Improved regional cooperation will be critical. Many suspects who committed crimes in Bosnia Herzegovina fled to Serbia and Croatia. Urgent efforts are needed by prosecutors to bring all such persons to justice. The new war crime strategies are important opportunities to clearly demonstrate national commitment to full accountability, in particular with respect to senior- and mid-level suspects.

Two decades after the conflict, much more remains to be done. My Office will continue to engage directly with our counterparts to support further investigations and prosecutions. Diplomatic support from the European Union and other partners will remain critical.

Finally, I am compelled to bring to the Council's attention once again the issues of genocide denial and the glorification of war criminals. It is certain that reactions to the conviction of Ratko Mladić today will include denials of the Srebrenica genocide, the siege of Sarajevo and the ethnic cleansing campaigns he unleashed. Some will claim that he is a hero, while posters and murals of him will be displayed. Sadly, this has become what must be expected.

In Montenegro, the Minister of Justice recently denied the genocide in Srebrenica, after previous Governments had taken a firm stand in support of the wise judgment of the International Tribunal for the Former Yugoslavia. In Serbia, convicted workers are regularly given platforms to deny their crimes. Denial and glorification by officials and official bodies in the Republika Srpska have become so commonplace that they often pass without remark.

As for Rwanda, the recent commemoration of the 1994 genocide against the Tutsi has again demonstrated that genocide denial continues to flourish, particularly among diaspora communities. Denial and glorification continue to be treated as differences of opinion or arguments about legal terms. They are not. The reality is that denial and glorification are the final stage of genocide. There are political tools used for political purposes. Urgent action is needed.

In conclusion, my Office is pleased that two trials and one appeal will conclude this month. We are satisfied with the Appeals Chambers judgment in the case *Prosecutor v. Ratko Mladić*, which confirmed his convictions and sentence of life imprisonment. Yet my Office still has much important work ahead of us. We will continue to work towards the commencement of the trial of Félicien Kabuga as soon as possible. As for the remaining fugitives of the ICTR, we are committed to ensuring that they are brought to justice just as Mladić was. In order for that work to be successfully completed, it is critical that the Security Council send an unmistakable message to Member States that cooperation with my Office is required. We are grateful for the continued support of the Council in all our efforts.

The President: I thank Mr. Brammertz for his briefing.

I would like to draw the attention of speakers to paragraph 22 of note S/2017/507, which encourages all participants in Council meetings to deliver their

statements in five minutes or less, in line with the Security Council's commitment to making more effective use of open meetings.

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

Mr. Dang (Viet Nam): I thank Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals, for their briefings and updates on developments following the Mechanism's eighteenth report submitted to the Security Council.

I wish to express my deepest condolences on the passing away of Judge Gberdao Gustave Kam of Burkina Faso, as well as our appreciation for his dedication and contribution to the work of the Mechanism.

I welcome the President of Serbia and the representatives of Bosnia and Herzegovina, Croatia and Rwanda to today's meeting.

I would like to start by commending the principals and staff of the Mechanism for the meaningful progress in judicial activities during the reporting period. Under the leadership of Judge Agius, despite insurmountable challenges caused by the coronavirus disease pandemic, the Mechanism was able to maintain continuity in its in-court hearings and implement rigorous measures to maintain the health and safety of its staff, as well as of detainees, prisoners and other persons under its supervision.

We take note of efforts to advance judicial proceedings and subsequently move towards a new and leaner phase in its core judicial activities. We are hopeful that the proactive approach undertaken by the new Registrar with regard to the relocation of nine acquitted and released persons will produce a concrete outcome and resolve this problem. It is worth recalling that the Security Council emphasized the importance of finding an expeditious and durable solution to this problem, including as part of a reconciliation process.

The work of the Mechanism in carrying out the mandate given by the Security Council is an important contribution to reaffirming our collective commitment to fighting impunity, delivering justice and supporting reconciliation.

Secondly, we welcome the President's priority to fully implement resolution 2529 (2020), including by

providing a clear projection of the timeline for the completion of its judicial activity and other residual functions, strengthening close cooperation among the main organ, the Mechanism, ensuring geographic diversity and the gender balance of staff, as well as fostering staff morale and performance.

Looking forward, we encourage the Mechanism to continue implementing effective steps to adhere to its schedule of completion, realizing the Security Council's vision of a small, temporary and efficient structure, whose function and site will diminish over time. Among measures to reduce the residual burden of the Mechanism, consideration should be given to granting States greater responsibility in supervising the enforcement of sentences.

Thirdly, States' cooperation with the Mechanism remains crucial in fulfilling its mandate. It is the responsibility and obligation of States, in accordance with Security Council resolutions, to cooperate with and assist the Mechanism when needed, including in the search for fugitives at large. We welcome the enhanced efforts of the Prosecutor and his team to forge stronger direct communication with relevant States, identify challenges that might hinder cooperation and determine a feasible approach. At the same time, it is States that bear the primary responsibility for fighting and preventing heinous crimes. Building national capacity and assisting States in exercising their responsibility should be our top priority. We therefore welcome the assistance provided by the Office of the Prosecutor to national authorities with regard to the cases that are referred to it.

In conclusion, Viet Nam reiterates its firm commitment to the work of the Security Council in upholding the Charter of the United Nations and international law in the maintenance of international peace and security.

Mr. Woodroffe (United Kingdom): I would like to start by thanking President Agius and Prosecutor Brammertz for their briefings to us today.

We are impressed that the International Residual Mechanism for Criminal Tribunals has continued to function so well, despite the difficulties imposed on it by the coronavirus disease. Lockdowns have prevented travel. Social distancing has forced different ways of working, including in the courtroom.

It is also appropriate to express our condolences on the passing away of Judge Gberdao Gustave Kam. We pay tribute to his contribution to international justice.

We are impressed that the Mechanism has nonetheless been able to progress its work. We now see cases coming to conclusion, with three important judgments to be handed down this month. Through its tireless work, the Mechanism continues to show that impunity does not and will not be allowed to prevail.

We continue to welcome the Mechanism's work to hold perpetrators of the genocide in Rwanda to account and remain committed to supporting it. Building on successes to date, we are grateful for the Mechanism's continued progress in the case *Prosecutor v. Félicien Kabuga*. We also urge progress to ensure the remaining suspected genocidaires face justice. In particular, we note that Mr. Protais Mpiranya remains at large and encourage all States to cooperate in his arrest.

We commend the Mechanism for making progress in the trials. In fact, today, in one of the final judgments, focused on the conflict in Bosnia and Herzegovina, the Appeals Chamber of the Mechanism upheld the conviction of Ratko Mladić. His attempts to outrun and evade justice have failed due to the Mechanism's tenacity. We hope this decision offers some respite to the survivors and the families of his victims.

The United Kingdom is proud to be supporting the Mechanism by agreeing to the transfer of Radovan Karadžić to serve his life sentence in a British jail. He is one of the few people in the world to have been convicted of genocide. Along with Ratko Mladić, he was responsible for the massacre of men, women and children at the Srebrenica genocide and helped pursue the seizure of Sarajevo, with its remorseless attacks on civilians.

International justice can be achieved only through international collaboration. We call on all Member States to assist the Mechanism. We have a collective responsibility to seek justice for victims. Under resolution 1966 (2010), there is a clear obligation on all States to cooperate with the Mechanism.

Nevertheless, regional judicial cooperation in the Western Balkans remains inadequate. That has direct implications for achieving justice for victims. The Mechanism's referral of Serbia to the Council for a third time for the failure to arrest and transfer Petar Jojić and Vjerica Radeta is serious and follows years of

requests, considerations and discussion. We therefore urge Serbia to comply with the Mechanism's order. We also call upon States to cooperate with the Office of the Prosecutor in its efforts to track the remaining fugitives from justice.

The glorification of war criminals and the denial of genocide is unacceptable and increases the suffering of victims. Reconciliation is difficult. We must accept and acknowledge the truth of the past in order to move forward. Glorifying perpetrators of heinous acts takes us away further from reconciliation and hinders the achievement of a positive future.

As Council members have seen, through our actions the United Kingdom remains committed to the Mechanism, and we reaffirm our willingness to assist it, wherever possible, in fulfilling its mandate and implementing its vision of being a small, temporary and effective organization.

Mr. Ladeb (Tunisia) (*spoke in Arabic*): I thank Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, Prosecutor of the Mechanism, for their briefings and for the eighteenth progress report submitted in accordance with resolution 1966 (2010).

At the outset, Tunisia reiterates its support for the mandate of the Mechanism to combat impunity for the perpetrators of the most serious crimes and prevent such violations from recurring. Achieving justice and accountability through this Mechanism, including before relevant national courts, is an issue of increasing importance today given the concern about the increase in revisionist ideologies as well as the glorification of war criminals and the denial of genocide.

Tunisia stresses that, in order to realize comprehensive reconciliation at the local, national and regional levels and to build lasting peace and the rule of law, early and decisive action must be taken by the international community and the Security Council to address those ideologies through a broad recognition of the past, trying criminals and offering stronger guarantees to stop these crimes from recurring within the countries and communities affected.

We emphasize, in that context, the importance of the Mechanism continuing to receive full and expeditious cooperation and support from countries so that the remaining six accused persons who are still at large do not continue to evade justice, as well as to help

in finding lasting solutions for those persons who still live in a safe house in Arusha.

Tunisia appreciates the continuous efforts deployed by the President of the Mechanism to ensure it is more effective and efficient and to lighten its caseload guided by the vision of the Security Council that the Mechanism, as a structure, must be small, temporary and effective. It must also diminish over time.

Moreover, Tunisia expresses its satisfaction at the progress made by the Mechanism in its deliberations and by issuing three expected judgments this month in spite of all the obstacles imposed by the coronavirus disease pandemic and other related difficulties. In that connection, we welcome Judge Agius note regarding the judgment issued today in the Mladić case. We also commend the measures and flexible working methods established by the Mechanism, as well as the interaction and coordination between its two branches in order to ensure the continuity of its work within reasonable time frame against a backdrop of the constraints imposed by the pandemic.

In addition, we commend the efforts of the Prosecutor's Office to enhance its capacity and review its working methods while continuously working with the international community to pursue fugitives wherever they may be found and to strengthen the capacities of national courts.

In conclusion, Tunisia hopes that the Mechanism will continue its activities with the same dynamism and professionalism that it has always shown in discharging its important mandate. We hope that it will work effectively and efficiently with the support of the Security Council so that international criminal justice can be done with a view to achieving its noble goals.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): The cheer and enthusiasm of Judge Agius and Prosecutor Brammertz in reporting on the achievements of the International Residual Mechanism for Criminal Tribunals was palpable. What haste in sharing with us the news of the conviction of another high-ranking Serb.

The publicized verdict against Ratko Mladić is the continuation of a politicized approach adopted by the International Tribunal for the Former Yugoslavia (ICTY). It has become a vivid stain on the reputation of the Residual Mechanism. Soon it will be 30 years, almost a third of a century, in which we see a biased and costly machinery of justice in The Hague methodically

grind the lives of the participants of the war in the Balkans — a war that has become a tragedy for hundreds of thousands of Serbs, Croats, Bosnians and members of other ethnic groups; a war that destroyed a once unified State — Yugoslavia; a war that highlighted quite clearly how vulnerable international law is.

How easy it was for NATO States to trample the Charter of the United Nations with complete impunity and begin military operations in a third country. Was anyone held responsible for the massive air strikes against civilian targets, including within Belgrade's city limits and in other major cities? Was anyone held responsible for the murder and wounding of thousands of civilians, including journalists, in the attacks on Radio Television Serbia and the Chinese Embassy in Belgrade? Why has the ICTY, an entity with jurisdiction to act, become blind and deaf to certain crimes? Why did it prefer to turn a blind eye to the evident crimes of Kosovar Albanians? Now their cases are being handled by the Kosovo Specialist Chambers and Specialist Prosecutor's Office. The ICTY has gone down in history as an instrument of revenge rather than an instrument of justice. The Residual Mechanism inherited the negative attributes of its predecessor.

Recently, President Agius endorsed the decision of the transfer of the former leader of the Bosnian Serbs, Radovan Karadžić, to serve his sentence in Great Britain. That was done despite the request of Karadžić and his lawyers, who justifiably pointed out that the life and security of the convicted Serb would be under threat in that country. As we know, there has already been a case in a British jail of a knife attack in which one of the former Serbian military commanders, Radislav Krstić, was wounded. The leadership of the Residual Mechanism and the Government of the United Kingdom now bear the full responsibility for the life and health of Radovan Karadžić. We will carefully monitor the protection of his rights.

Unfortunately, the ICTY and the Residual Mechanism have not been instrumental in reconciling the diverse Balkan community. The reason for that is a shortage of fairness in the verdicts issued, where one side of the conflict is bashed while the wrongdoings of the other side are hushed up. We are now witnessing once again the promotion of the thesis of Belgrade's alleged lack of cooperation with the Residual Mechanism on the contempt of court case. I just want to remind everyone that the case itself is indirectly linked to questionable accusations against the Serbian politician Vojislav

Šešelj, who spent over 11 years — imagine that, 11 years — in United Nations jails operated by the ICTY while awaiting an acquittal.

Wherever there is a lack of justice and coherence, there is also a lack of trust. What, then, is the solution to this situation? On cases of contempt of court, there is the well-known position that France adopted on the *Hartmann* case.

Russia attaches great importance to safeguarding the rights of individuals under detention, including the right to medical assistance. In resolution 2529 (2020), the Security Council specifically adopted a position on this point. Nevertheless, the Residual Mechanism does not consider it a good idea to report to the Council on how these rights are being ensured.

We did not find any information on the current state of health of Ratko Mladić, including his degree of convalescence after his operation. A full independent examination and certification, including whether he has retained his cognitive function, has still not been conducted. We strongly insist on this kind of examination being conducted.

Last year, the case against Félicien Kabuga was added to the docket of cases of the Residual Mechanism. We will carefully monitor the state of health of the defendant, and we expect the appointment of an independent medical expert to assess the advisability of transferring the defendant to the facilities of the Mechanism in Arusha as well as his capacity to stand trial. At the same time, we hope that the Mechanism will complete its work within the projected time period for the court proceedings and will indeed refrain from artificially dragging them out.

Mr. Kiboino (Kenya): I thank Judge Agius, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Brammertz, Prosecutor of the Mechanism, for their briefings and detailed reports.

Kenya acknowledges the important work of the Mechanism in the service of justice and accountability for war crimes. I reaffirm Kenya's continued support for and cooperation within the Mechanism's mandate, as renewed by resolution 2529 (2020).

We commend the Mechanism for ensuring the continuation of work, including by putting in place precautionary working arrangements in the light of the coronavirus disease pandemic. The three judgments lined up for this month, including the judgment issued

this morning in the *Mladić* case, are indicative of the efforts invested by the Mechanism even during the pandemic.

Kenya acknowledges the Mechanism's reported improved tracking capability, which we recall enabled the arrest of Félicien Kabuga after a long search that was beset by a great deal of misinformation. We hope this growing capability will also help to accurately track and apprehend the remaining fugitives. We urge that the trial in *Kabuga* be conducted expeditiously to help provide closure for survivors and families of victims, which is important in the reconciliation process as a whole.

Kenya further notes the Mechanism's report on requests for assistance from national jurisdictions. We encourage the Mechanism to continue engaging with relevant members and partners in cases where it has sought cooperation.

Finally, we laud and encourage the Mechanism's continued improvement of its legal and regulatory framework. Specifically, we note the ongoing implementation of the Secretary-General's bulletin on discrimination, harassment, including sexual harassment and abuse of authority (ST/SGB/2019/8). This is important, especially for institutions that stand for justice, fairness and equality.

Mrs. Buenrostro Massieu (Mexico) (*spoke in Spanish*): We thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Carmel Agius, and Prosecutor Serge Brammertz, for their briefings. We also welcome the President of Serbia, Mr. Aleksandar Vučić, and the Permanent Representatives of Bosnia and Herzegovina, Croatia and Rwanda, to the Security Council. We also express our heartfelt condolences for the loss of Judge Gberdao Gustave Kam.

My country, Mexico, has carefully reviewed the eighteenth reports of the President and the Prosecutor of the Mechanism, and we note the significant progress reported therein. In this regard, we acknowledge the judgment announced today at The Hague in the *Mladić* case. We underline the value of this outcome for international justice, in particular for the victims of the genocide perpetrated in Srebrenica and, in general, of the conflict in Bosnia and Herzegovina.

Mexico takes note of the progress in the judicial functions of the Mechanism, and we remain attentive

to the rulings in two other cases this month. We commend the work of the Mechanism team in making these results possible despite the constraints imposed by the pandemic. Similarly, we note the progress in the pre-trial stages in the *Félicien Kabuga* case. These developments are undoubtedly important contributions to accountability, and Mexico reiterates its support for the work of the Mechanism.

We emphasize that locating, arresting and prosecuting persons who remain fugitives is one of the main priorities of the Mechanism. We call on the relevant authorities to intensify cooperation with the Mechanism in order to locate, apprehend and arrest these persons, so that they can be prosecuted and held accountable in the cases that remain pending.

It is also of concern that the order for the accused to be transferred to the Mechanism in the case against Jojić and Radeta remains unfulfilled. Further, the most recent arrest warrants issued in this case, in 2019, remain unexecuted. Moreover, this non-compliance has already been reported to the Security Council on three occasions. We call for compliance with these orders and with the obligations under resolution 1966 (2010). Cooperation is essential for international justice to be effective, as well as to strengthen the rule of law.

In conclusion, it is worrisome that the denial of crimes committed and of facts proven before various international tribunals continues. We reiterate our rejection of the glorification of war criminals who have already been tried and found guilty. Likewise, it is indispensable to present the new generations with truthful information about recent history, as well as about the work of the International Criminal Tribunals and the Mechanism. In 2021, there is no place for discourse that seeks to divide and incites hatred; it is necessary to make way for reconciliation, cohesion and inclusion.

Mr. DeLaurentis (United States of America): I thank President Agius and Prosecutor Brammertz for their briefings. We are grateful for their hard work and the unwavering commitment of the judges, attorneys and staff in Arusha and The Hague, as well as in the field offices in Kigali and Sarajevo, in their pursuit of justice for the victims in Rwanda and the former Yugoslavia.

We should take a moment to acknowledge the loss of Judge Gberdao Gustave Kam, from Burkina Faso. Judge Kam passed away earlier this year after a remarkable career dedicated to ensuring justice for the gravest

crimes — at the International Criminal Tribunal for Rwanda, the Extraordinary African Chambers within the Senegalese judicial system and the International Residual Mechanism for Criminal Tribunals, where he served an instrumental role in ensuring a fair trial for Ratko Mladić. We also thank Judge Mustapha El Baaj for stepping into the case to ensure that the appeal could continue in a timely fashion.

Today, of course, is a historic day. Earlier this morning, the Appeals Chamber announced its decision on Ratko Mladić's appeal. Almost 30 years ago, Mladić and other perpetrators began a campaign to permanently remove Bosnian Muslims and Bosnian Croats from Serb-claimed territory in Bosnia and Herzegovina through a campaign of genocide, extermination, murder and other inhumane acts. We recall with particular horror the days in July 1995 when Mladić and his forces entered Srebrenica, forcing 25,000 women, children and the elderly out on buses and systematically murdered the Bosniak men and boys of the area.

We hope that the decision brings a measure of peace to the victims and their families. We also acknowledge the courage of the hundreds of victims who came forward to testify and without whom justice would not have been served. The verdict today also represents the hard work of the judges, lawyers and the entire staff of the Mechanism, who have dedicated themselves to gathering, organizing and presenting evidence, finding witnesses and supporting victims.

We also note the upcoming trial verdict in the *Stanišić and Simatović* case, which we expect will shed light on their responsibility for crimes committed in Croatia and Bosnia and Herzegovina, as well as the work of the Mechanism to bring charges against Félicien Kabuga, arrested in France last year. We continue to support the Mechanism's efforts to bring the remaining Rwandan fugitives to justice, including through our offer of a reward of up to \$5 million for information that leads to each fugitive's arrest. We urge all countries to cooperate with the Mechanism in those efforts. In addition to the Mechanism's work to finalize cases involving charges of genocide, war crimes and crimes against humanity, we also note the importance of its work to ensure the administration of justice, including in the ongoing case against Anselme Nzabonimpa and other defendants.

Along those lines, we are deeply disappointed that Serbia has failed to comply with its obligations

to arrest two individuals charged with contempt of court in relation to witness intimidation. Serbia, as a Member of the United Nations and as a party to relevant international and regional commitments, including its European Union accession commitments under Chapter 3 of the accession acquis, has an obligation to cooperate with the Mechanism in that case. Failure to cooperate with the Mechanism undermines the operation of international law and the effectiveness of the Security Council. The United States calls on Serbia to execute the arrest warrants without further delay.

We underscore that contempt cases are a critical aspect of the Mechanism's work and play an important role in ensuring the rule of law. The assistance of Member States is no less important in such cases, as confidence that witnesses will testify truthfully without fear is essential for the just resolution of cases concerning the gravest crimes.

Finally, we commend the work of the Mechanism in supporting national jurisdictions in prosecutions and educational projects. As President Agius and Prosecutor Brammertz note in their reports, there is still much work to do to encourage the acknowledgement of historical facts and further justice at the domestic level. Serbia's decision to grant citizenship to Mirko Vrućinić in June last year, while he faced war crimes charges in a court in Sarajevo, for example, effectively shields him from justice. The United States calls on all States in the Western Balkans to cooperate with the Mechanism and with one another to prevent impunity from taking hold in the region.

Mrs. Dime Labille (France) (*spoke in French*): I thank President Agius and Prosecutor Brammertz for their reports and their briefings. On behalf of France, I also pay tribute to the memory of Judge Gberdao Gustave Kam and his valuable contribution to international criminal justice. We extend our condolences to his family.

France reiterates its full support for the Mechanism and its work to fight impunity and preserve the legacy of International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). In particularly difficult circumstances, the Mechanism has been able to make concrete progress, which testifies to its relevance and effectiveness. The Security Council must support its work.

The three decisions scheduled for this month are awaited. We note today's judgment in the Mladić

appeal case. That is an essential step for justice and reconciliation in the Western Balkans. The trial in the *Prosecutor v. Félicien Kabuga* case will be another important moment for the victims and for national reconciliation in Rwanda. In order to complete that trial and the other pending proceedings in a timely manner, the Mechanism must have adequate financial resources.

France once again urges all States to cooperate fully with the Mechanism, in accordance with their international obligations. We regret that some partners still refuse to do so despite the numerous calls of the President of the Mechanism, the Prosecutor and many Member States relayed within the Council. We call on the Serbian authorities to fully cooperate with the Mechanism.

Furthermore, it is essential that the remaining fugitives indicted by the ICTR be brought to justice. The death of the alleged perpetrators of the most serious crimes cannot be justice for the victims. Where such deaths are reported, the States concerned must provide evidence of them.

With regard to the cases referred to national jurisdictions, France reaffirms its full commitment to bringing the *Prosecutor v. Laurent Bucyibaruta* case to a conclusion within a reasonable time frame. The trial in that case is currently being heard before the Court of Assizes of Paris and should take place during 2022.

The work of the Mechanism is not limited to judicial activities. The protection of the more than 3,000 witnesses is of paramount importance, and we commend the work of the Kigali and Sarajevo offices in that regard. We welcome the Mechanism's initiatives to raise awareness among affected communities and younger generations of the legacy of the criminal tribunals and the work being done. That memorial work is essential to reconciliation. In a historic visit at the end of May, President Emmanuel Macron visited the 1994 Tutsi Genocide Memorial at the invitation of Rwandan President Paul Kagame. The aim is to translate the memorial work carried out over the past two years into political action. At the same time, President Macron has committed to expanding the efforts already undertaken to fight against the impunity of alleged Rwandan perpetrators of genocide residing in France.

We remain deeply concerned about the denial of crimes and the glorification of perpetrators of genocide and war criminals convicted by international criminal tribunals after impartial and independent proceedings.

The trend is worrisome. The statements made by the authorities of several countries of the former Yugoslavia are unacceptable in that regard. We reiterate our call to all those responsible to refrain from such statements.

Mr. Raguttahalli (India): Let me at the outset thank President Carmel Agius and Prosecutor Serge Brammertz for their briefings and for their assessment of the work of the International Residual Mechanism for Criminal Tribunals. On behalf of my delegation, I also extend my condolences to the family of esteemed Judge Gberdao Gustave Kam, who recently passed away, and to the Government of Burkina Faso.

I would also like to thank Ambassador Dinh Quy Dang and the delegation of Viet Nam, as the Chair of the Informal Working Group on International Tribunals, and the Office of Legal Affairs for the effective coordination between the Council and the Mechanism. Allow me to commend President Carmel Agius for his stewardship of the process and for ensuring that the Mechanism remains on track and continues to deliver.

We welcome the progress made by the Mechanism during the reporting period, both in The Hague and in Arusha, including efforts aimed at ensuring business continuity, to the extent possible, under the current extraordinary circumstances. We have taken note that the restrictions in place to curb the spread of the pandemic have adversely affected some timelines for case completion.

India reiterates its support for the Mechanism and commends its contribution to the fight against impunity and to the preservation of the legacy of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. We have taken note of the work of the Mechanism in scheduling judgment in the two proceedings in the coming weeks and we also take note of today's verdict. Needless to add, the Mechanism should continue to implement its mandate strictly, in accordance with the principles of justice, impartiality and fairness.

We acknowledge the progress made on other judicial matters during the reporting period, such as the variation of protective measures and the supervision of the enforcement of sentences. We also note the work of the Prosecutor's Office in its other residual functions. The Mechanism should continue to make headway in its remaining residual functions, including protecting victims and witnesses, tracking the remaining fugitives of the International Criminal Tribunal for Rwanda,

extending assistance to national jurisdictions and managing the archives of the ad hoc Tribunals and the Mechanism.

We welcome the progress made in the two defence cases of Mr. Jovica Stanišić and Mr. Franko Simatović, which were concluded on 23 February. It is our collective responsibility to seek justice for the victims. We also look forward to early progress on the relocation of the nine acquitted persons, who are still in the safe house in Arusha. This is a humanitarian issue that needs to be addressed with urgency and sensitivity.

In conclusion, we urge the Mechanism to take appropriate measures to keep the trial and appeal schedules on track and also contribute to the capacity-building of national judicial authorities so that they can effectively discharge their mandate on a self-sustaining basis.

Ms. King (Saint Vincent and the Grenadines): I too would like to thank Judge Agius and Prosecutor Brammertz for their comprehensive briefings. I also recognize the presence of the President of Serbia and our colleagues, the Permanent Representatives of Bosnia and Herzegovina, Croatia and Rwanda.

At the outset, we express our condolences on the passing of Judge Kam of Burkina Faso. His passing is a tragic loss to the International Residual Mechanism for Criminal Tribunals. We welcome the announcement of the nomination of his replacement and have full confidence that the Mechanism's mandate will continue to be effectively fulfilled.

The International Residual Mechanism for Criminal Tribunals continues to be an essential pillar of the international criminal justice system, and its critical role in the fight against impunity cannot be overstated. The Mechanism's activities related to witness support and protection, the monitoring of cases referred to national jurisdictions, the preservation of archives and the provision of multifaceted assistance to Member States remain relevant. For this reason, we reaffirm our unwavering support for its important work.

We continue to applaud the Mechanism for its commitment to ensuring operational continuity, notwithstanding the various challenges resulting from the coronavirus disease (COVID-19) pandemic. We note that three judgments are expected to be delivered in June, one having been received just this morning. This is indeed a notable accomplishment, and it certainly

speaks to the tireless efforts of everyone involved in the work of the Mechanism.

We recognize the laudable efforts to ensure the rights and well-being of persons in detention during this time, including through regular inspections by organizations, such as the International Committee of the Red Cross, and the facilitation of COVID-19 vaccinations. Persons in detention must be treated humanely and with dignity.

The fulfilment of the Mechanism's mandate is undoubtedly dependent on international cooperation, without which, the Security Council's vision of a small, temporary and efficient structure, whose functions and size will diminish over time, cannot be achieved.

Where there exists a lack of political will to cooperate with the Mechanism, the search for missing persons, whose families still do not know their fate, and the tracking and apprehension of fugitives will be severely impeded. Further, the enforcement of judgments will not be guaranteed, and above all victims will be denied justice.

The arrest of Félicien Kabuga last May is a testament to effective legal cooperation, which is critical to the successful tracking, apprehension and prosecution of the remaining fugitives of the International Criminal Tribunal for Rwanda.

International cooperation also remains necessary to resolve the matter of those individuals who have been acquitted and released and are presently residing in Arusha, Tanzania. We commend the Registrar's efforts in this regard, and it is our hope that a durable solution to this protracted matter will soon be found.

We have taken note of the President's 11 May referral of Serbia to the Security Council. Non-compliance with the obligations encapsulated in the statute of the Mechanism and Security Council resolutions is unacceptable and serves to undermine the administration of justice and the rule of law.

Remembrance of the horrific events of the past is an important tool to prevent recurrence. As such, all forms of genocide denial and the glorification of convicted war criminals must be met with condemnation by the international community. They hinder national reconciliation and promote dangerous ideologies that disregard the suffering of victims. Saint Vincent and the Grenadines unequivocally denounces these indefensible actions.

In closing, we urge Member States to engage constructively with the Mechanism in the pursuit of accountability for mass atrocity crimes and the strengthening of the rules-based international system.

Mr. Aougi (Niger) (*spoke in French*): I thank Judge Agius and Prosecutor Brammertz for their briefings.

My delegation conveys its condolences to the President of the International Residual Mechanism for Criminal Tribunals and his colleagues following the tragic passing of Judge Gberdao Gustave Kam of Burkina Faso.

We welcome the participation of the President of Serbia and the representatives of Bosnia and Herzegovina, Croatia and Rwanda at this meeting.

The Niger commends the work undertaken and progress made by the Mechanism, despite the constraints imposed by the coronavirus disease (COVID-19) pandemic.

My delegation takes note of the announcements of the imminent conclusion of a number of proceedings in June. The two judgments and the decision that will be issued by the Mechanism before the end of June will stand as tangible proof of the Mechanism's achievements. The same is true of the pretrial phase in the *Prosecutor v. Félicien Kabuga* case and the continuation of work on the Mechanism's other judicial functions during the reporting period, including issues related to the supervision of sentence enforcement and the protection of victims and witnesses. In that regard, we commend the Mechanism for all its efforts to deliver justice, while calling on it to respect due process and the rights of the accused.

My delegation is pleased that the Mechanism has been able to fully continue its work on pending cases for 2021, despite the COVID-19 pandemic, and supports its request to be granted a budget commensurate with its responsibilities.

Witness protection, the provision of medical care and psychosocial support for witnesses suffering psychological trauma or living with HIV/AIDS, which many contracted during and following genocide, are measures we support. Furthermore, the Mechanism must continue to develop its legal and regulatory framework to harmonize and capitalize on the best practices of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former

Yugoslavia, as well as its own practices, in order to successfully discharge its mandate.

To ensure that genocide and other war crimes do not go unpunished, in accordance with the relevant Security Council resolutions, with regard to the issue of fugitives my delegation calls upon States with authority over the territories in which fugitives are suspected to reside to strengthen their cooperation with the Mechanism and provide it with the necessary assistance so that persons indicted by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia can be apprehended and brought to justice. Furthermore, the Mechanism, together with States, must take appropriate measures to address the issue of acquitted or released persons in ongoing legal limbo, which undermines their rights.

My delegation is of the view that coordinated communication in relation to the Mechanism and its work with the European Union and Switzerland on the project to raise awareness among communities affected and among the young generations of the former Yugoslavia is important in efforts to prevent another genocide. We are aware of the challenges facing the Mechanism and some, such as the lack of cooperation and the denial of genocide, result in a veritable deadlock.

My delegation calls on the Office of the Prosecutor to strengthen national capacities, which will help underscore the principle of complementarity and ensure that national authorities take responsibility for holding perpetrators accountable.

In conclusion, my delegation encourages the Mechanism to step up its efforts to implement the recommendations outlined in the 2020 report of the Office of Internal Oversight Services (S/2020/236), as well as those outlined in the Office's 2018 report (S/2018/206), as those recommendations have been only partially implemented.

Allow me now to highlight a section of the report submitted to the Council, which states that only with the tireless support of those committed to promoting international justice, accountability and the rule of law will the Mechanism be able to continue to discharge the crucial mandate entrusted to it by the Security Council.

Mr. Geng Shuang (China) (*spoke in Chinese*): China thanks President Agius and Prosecutor Brammertz for their briefings.

I would also like to express our condolences on the tragic passing of Judge Kam.

Due to the impact of the coronavirus disease pandemic, the International Residual Mechanism for Criminal Tribunals has faced many challenges in conducting its work. Under the leadership of President Agius, the Mechanism has overcome difficulties by adopting remote working methods, resuming in-court hearings and convening online plenary meetings, among other means, to ensure the timely and efficient conclusion of judicial proceedings, while enhancing interbranch coordination and boosting staff morale. Progress has been achieved.

The Office of the Prosecutor has also continued its efforts to track down fugitives and actively advance its work on trials and appeals. China commends the aforementioned measures.

Pursuant to Security Council resolutions, the Mechanism is a small, temporary and efficient structure, whose functions and size will diminish over time. China hopes that the Mechanism will carry out its activities as mandated by Council resolutions. In particular, we hope that judicial proceedings will be conducted and completed in accordance with the timelines set out in the report. In the process, the Mechanism should rationalize its use of budgetary resources and prioritize judicial activities. As cases draw to a close, the Mechanism should reduce its expenditures as appropriate.

Practical and effective cooperation between the Mechanism and relevant countries is important to its ability to implement its mandate and advance its work. President Agius briefed us earlier on the friction between the Mechanism and the Serbian Government in relation to the relevant case. China hopes that the two sides will strengthen communication, increase mutual trust, accommodate each other's legitimate concerns and learn from the successful practices of international criminal tribunals. The goal is to find proper solutions to issues, work together to combat impunity and promote national reconciliation. In addition, China expects the Mechanism to continue improving its work by implementing the recommendations made by the Informal Working Group on International Tribunals and the Office of Internal Oversight Services and finding swift solutions to issues, such as the relocation of acquitted and released persons.

In conclusion, I wish to take this opportunity to thank Viet Nam, Chair of the Council's Informal

Working Group on International Tribunals, and the Office of Legal Affairs for their efforts in coordinating the Council and the Mechanism.

Ms. Byrne Nason (Ireland): I thank President Carmel Agius and Prosecutor Serge Brammertz for their comprehensive briefings today.

I would also like to offer my sincere condolences on the passing of Judge Gustave Kam. Judge Kam's death is a loss for international criminal justice. I would like to acknowledge his dedicated service to both the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals.

Although it is more than a quarter of a century since the genocides in Rwanda and Srebrenica, victims, survivors and their families deserve nothing less than justice. We see the continued relevance of the Mechanism's mandate as clear. It is equally clear that the leadership and staff of the Mechanism share a dedication to that work. It is evident in the considerable progress that has been made over the past year in spite of very trying circumstances, with the efficient conclusion of outstanding cases, including the three cases reaching their final stages in this month alone. I must also mark the issue of today's landmark judgment by the Mechanism's Appeals Chamber, which dismissed the appeal of Mr. Ratko Mladić and reaffirmed his life sentence for genocide, crimes against humanity and violations of the laws and customs of war. It is our sincere hope that this judgment can bring some closure to the survivors and victims of his crimes.

Last year, the Council reiterated its call on States to intensify cooperation with the Mechanism and provide all necessary assistance to achieve the arrest and surrender of all remaining fugitives indicted by the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda. Cooperation is *sine qua non* for the Mechanism to carry out its work, whether in relation to the arrest and surrender of fugitives, the enforcement of sentences or the resettlement of acquitted and released persons. Ireland was therefore pleased to note the many instances of positive cooperation by member States and regional organizations with the Mechanism, as well as the provision of assistance by the Mechanism to national jurisdictions.

Nevertheless, we note with serious concern that the Mechanism continues to encounter obstacles from

a number of member States in connection with the arrest and surrender of fugitives. In particular, Ireland was deeply concerned about the 11 May notification from the President of the Mechanism detailing Serbia's non-compliance with the Mechanism in relation to the surrender and arrest of Mr. Jojić and Ms. Radeta.

We strongly urge Serbia to cooperate fully with the court and comply with its obligations in this matter. We also call on all States to assist the Mechanism in relation to efforts to arrest and surrender the remaining fugitives of the ICTR. Ireland looks forward to working with Council members with the aim of promoting cooperation with the Mechanism.

When the Council established the ICTY and the ICTR, it sought to ensure not only that the perpetrators of these crimes would face justice, but also that the Tribunals would act as a preventive tool against future acts of violence. Ireland recognizes the importance of the Mechanism's efforts, in conjunction with the European Union, to raise awareness of the former ICTY and the Mechanism's work among affected communities and younger generations in the region of the former Yugoslavia.

In that light, we find concerning the Prosecutor's reports of ongoing attempts to minimize or deny genocide that took place within living memory. Denials of genocide and the glorification of convicted war criminals are unacceptable, undermine reconciliation and must be challenged and condemned.

In closing, as part of our steadfast commitment to international criminal justice, Ireland will continue to support the work of the Mechanism in ensuring that perpetrators of atrocity crimes are held to account. This accountability is a crucial step in achieving and sustaining reconciliation and in preventing the recurrence of these atrocities. We are grateful to be able to meet today in person here in New York, and we also look forward to the day when we can welcome you Judge Agius and Prosecutor Brammertz back to the Chamber in person.

Ms. Heimerback (Norway): I too would like to thank Judge Agius and Prosecutor Brammertz for their thorough report to the Security Council and for their briefings.

First, I wish to express our condolences on the passing of esteemed Judge Kam of Burkina Faso in February. His passing is a great loss to the International

Residual Mechanism for Criminal Tribunals and to the international legal community.

The fight against impunity is a central element of Norway's foreign policy. We have been a staunch supporter of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda since their establishment in the early 90s, as well as of the Residual Mechanism. Despite pandemic-related challenges, the Mechanism has maintained an impressive level of activity, and three important decisions are to be announced in June, including today's delivery of the Appeals Chamber judgment in the *Mladić* case, as referred to by President Agius. We further commend the Mechanism for solid progress in its other judicial functions and its important support to national judicial authorities.

The Mechanism is dependent on the cooperation of Member States in order to fulfil the mandate the Council has provided: to ensure accountability and justice for the victims.

Norway is deeply concerned by the non-compliance of the Republic of Serbia. We strongly urge Serbia to comply with its international obligations to arrest and surrender Mr. Petar Jojić and Ms. Vjerica Radeta to the Mechanism. After more than six years and three referrals on this matter to the Security Council, it is beyond time for this protracted situation to be solved in accordance with international law.

Norway greatly appreciates the Office of the Prosecutor's work to account for the remaining six fugitives indicted by the International Criminal Tribunal for Rwanda. We are concerned about the reported lack of timely and effective cooperation from Member States, preventing successful results. We urge all States to fully cooperate with the Mechanism and arrest and surrender all remaining fugitives. The Security Council's decisions must be adhered to. Non-cooperation undermines the Mechanism, it undermines the Council and it undermines international law. The Council should assume its responsibilities by examining every possible measure to facilitate the arrest and surrender of those wanted by the Mechanism.

The President: I shall now make a statement in my capacity as the representative of Estonia.

I thank Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals and Prosecutor Serge Brammertz for the

detailed progress reports submitted to the Security Council and for the informative briefings today.

We express our condolences for the passing, in February, of Judge Gberdao Gustave Kam of Burkina Faso, who had served with distinction as a Judge of the Mechanism since 2012.

We commend the work of the Mechanism and positively note the continuation of its judicial activities despite pandemic-related constraints. We especially note the expected delivery of three judgments during the month of June, including the judgment in the appeal case of *Prosecutor v. Ratko Mladić* pronounced today, upholding the judgment of life imprisonment for the crimes of genocide, crimes against humanity and laws or customs of war. We also note the ongoing pre-trial phase of the recently captured Félicien Kabuga, in line with an amended indictment.

We thank the President of the Mechanism for the efforts to secure the relocation of the nine acquitted and released persons currently residing in Arusha, Tanzania. We call on all stakeholders to step up cooperation to facilitate this resettlement in a safe and speedy manner.

We welcome the efforts of the Mechanism for assistance provided to national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda. We note that the progress in national justice initiatives has been slower in recent years and call on States to increase their efforts in that regard.

Estonia is deeply concerned about the ongoing denial of the genocides in the situations under the jurisdictions of the Mechanism. This must stop.

Estonia remains concerned about the challenges that the Office of the Prosecutor of the Mechanism continues to face in relation to cooperation with national authorities in apprehending the remaining fugitives. We strongly urge States, especially the African States where fugitives are suspected of being at large, to intensify their cooperation with the Mechanism in order to arrest and surrender all of the remaining fugitives.

Finally, the Security Council received a communication from the President of the Mechanism on non-compliance by Serbia in executing the arrest warrants for Petar Jojić and Vjerica Radeta. Resolution 1966 (2010) clearly stipulates that all States shall cooperate fully with the Mechanism, in accordance with the resolution and the Statute of the Mechanism

annexed to the resolution. It also clarifies that all States shall take any measure necessary under their domestic law to implement the provisions of the resolution and the Statute.

Estonia condemns the ongoing disregard by Serbia of its obligations under international law to comply with the Mechanism's orders. We strongly urge Serbia to fulfil its obligation to comply with the latest warrants by the Mechanism from May 2019 to arrest, detain and transfer the accused to the custody of the Mechanism.

We further refer to reported delays in responses from Serbia to requests for assistance from the Office of the Prosecutor in relation to court-ordered investigations, and call on Serbia to resolve the backlog of responding to the Office and to cooperate in a timely manner.

I conclude by extending our gratitude to the President and Prosecutor of the Mechanism and their staff for their outstanding work. We recall that international criminal justice and the fight against impunity relies on collective efforts. The international community and the Council have to put the victims and survivors first. We need to make sure that the rule of law prevails and that there is full accountability for the atrocities committed.

I now resume my functions as President of the Council.

I now give the floor to President Vučić.

President Vučić: I shall point to a few ongoing issues in my speech that refer to the competences of the International Residual Mechanism for Criminal Tribunals, namely, the possibility of detainees serving the sentences passed by the International Tribunal for the Former Yugoslavia (ICTY) and Mechanism in the Republic of Serbia, with the current practice of disabling the early release of the sentenced persons, as well as the obligation of the Mechanism regarding the protection of sentenced persons.

The second part of the speech will be dedicated to issues that are raised by the six-month report on the work of the Mechanism, as presented by Mechanism President Mr. Agius, and the briefing by Chief Prosecutor Serge Brammertz, especially regarding the current cooperation of the Republic of Serbia and the Mechanism.

The third part of my speech — and in that regard I take note of many statements delivered here today — is

going to be the view of Serbia on everything that has taken place in The Hague Tribunal and what the Tribunal verdicts have brought to people in the region of the former Yugoslavia.

The Republic of Serbia has raised before the Security Council, on several occasions, the issue of the possibility of detainees serving sentences handed down by the ICTY and the Mechanism in the Republic of Serbia. Despite the effort to move this issue from square one, not a single response has been received from the Security Council. The majority of persons who are serving prison sentences are citizens of the Republic of Serbia, and it is natural that the Republic of Serbia should be interested in enabling them to serve their prison sentences in the Republic of Serbia.

The ICTY and the Mechanism have made references to the Security Council as an institution in charge of dealing with this issue. I am ready to reiterate here the readiness of the Republic of Serbia to assume obligations and liability for executing prison sentences that the Tribunal or the Mechanism have handed down to the citizens of the Republic of Serbia, under the monitoring of the Mechanism and with full respect for the authority of the Mechanism regarding early release.

A particular problem that we are facing is disturbances created by the judicial institutions established in the territory of Kosovo and Metohija, which is within Serbia and which is under the interim administration of the United Nations. We have been witness to attempts to retry two citizens who are serving prison sentences for which they had already been tried before the ICTY. More concretely, in the recent past there was an attempt to hear the case of Nebojša Pavković and to obtain the extradition of Vlastimir Đorđević.

I urge the Mechanism and the Security Council to prevent attempts to violate the principle of *non bis in idem* — a civilizational principle that is confirmed in article 7 of the statute of the Mechanism — and to disable retrials for persons already convicted by the ICTY, particularly in order to make sure that it is not done in the territory that is under interim United Nations administration.

Apart from the regular report, on 11 May the President of the Mechanism, Judge Agius, also delivered a letter (S/2021/452) to the President of the Security Council, whose subject was the alleged failure of the Republic of Serbia to apprehend and turn over to

the Mechanism Petar Jojić and Vjerica Radeta, indicted for contempt of court, claiming that in this way the Republic of Serbia was acting contrary to its obligations under resolution 1966 (2010) and asking the Security Council to take measures to ensure that Serbia meets its alleged obligations in accordance with the Mechanism statute and resolution 1966 (2010).

The point of the argumentation of the President of the Mechanism is that the Republic of Serbia has the obligation to deprive of liberty and extradite to the Mechanism its citizens accused of contempt of court — I repeat, contempt of court — regardless of the nature of the accusation, the circumstances under which such an order was made and the consequences that might result from its implementation.

It is about accusations that do not refer to severe violations of international humanitarian law and that are related to a case before the ICTY that ended in 2018 — the case of *Prosecutor v. Vojislav Šešelj*— by acquitting the defendant in the first instance. Upon the Prosecutor's complaint, the defendant was declared guilty and sentenced to 10 years of imprisonment, which were covered by the time he spent in the United Nations Detention Unit.

Judge Agius stated that Serbia was ignoring its obligations in accordance with resolution 1966 (2010). Quite the opposite — the Republic of Serbia takes seriously its obligations regarding cooperation with the Mechanism. After the warrant for the apprehension and extradition of the two persons accused of contempt of court to the Mechanism had been introduced, the Higher Court in Belgrade established that assumptions for their apprehension and extradition to the Mechanism had not been met. The decision is founded on the rules of international law and domestic law of the Republic of Serbia, and it is mandatory for holders of the executive power in the Republic of Serbia.

I recall here that the first decision of a single judge — Aydin Sefa Akay, on 12 June 2018 — who was acting in this case was that the criminal prosecution of Vjerica Radeta and Petar Jojić for alleged contempt of court was to be forwarded to the judicial authorities of the Republic of Serbia. In procedures that followed, the argument concerning the alleged unwillingness of the witnesses to cooperate with the judicial authorities of the Republic of Serbia was raised for the first time, and the decision to prevent the transfer of the case to the

jurisdiction of the judicial authorities of the Republic of Serbia was based on that argument.

The Republic of Serbia expressed its readiness to take over the court procedure against Petar Jojić and Vjerica Radeta on several occasions and provided appropriate guarantees. Additionally, the Republic of Serbia fully recognizes and accepts the obligation of the Mechanism to monitor trials that have been transferred to national courts, with the help of international and regional organizations, as well as to take measures envisaged in article 6 of the statute of the Mechanism.

I recall here that the Republic of Serbia has extradited to the Tribunal all persons indicted by the Prosecutor's Office, including a large number of the highest-ranking political, military and police officials; it has enabled the presence of a vast number of witnesses and delivered extensive documentation. The obligation of the Mechanism, in accordance with the resolution of this Security Council, is to take measures that enable the transfer of cases to national justice systems. In previous practice, 13 cases were transferred to Bosnia and Herzegovina, 2 to Croatia and only 1 to Serbia.

Last but not least, I want to remind everyone here of the fact that France — of course, as a sovereign and independent country — on being requested to apprehend and extradite Florence Hartmann for publishing documents and contempt of court, refused the request for extradition, with the explanation that it does not extradite its citizens. For far smaller offences, the Council asks us to extradite our citizens Jojić and Radeta, showing both its mistrust of Serbian justice, the Serbian judiciary and the Serbian State, and the fact that the rule from ancient Rome — *quod licet Iovi, non licet bovi* — remains valid.

It does no harm to underline the fact that high-level officers and politicians have not been tried for crimes against Serbs and that crimes against Serbs remain unsanctioned by the ICTY and the Mechanism. Let me recall, just as an example, that the case of *Prosecutor v. Rahim Ademi and Mirko Norac*, concerning ferocious crimes against Serb civilians in Medački Džep, was left to Croatian justice institutions. Proven crimes against Serbs, like those of Haradinaj, Orić, Gotovina and others indicted for participating in the military Operation Storm, which led to the complete ethnic cleansing of the Serb population in the larger part of today's Croatia, resulted in acquittals before the ICTY. Many horrible crimes against Serb civilians that were

committed in the territory of Bosnia and Herzegovina, Croatia and the autonomous province of Kosovo and Metohija, and that resulted in ethnic cleansing, simply were not the subject of the interest of the ICTY.

What is very important, and in order to leave nothing unclear, is that Serbia is a country that condemns all the crimes and all criminals who perpetrated them in the region of the former Yugoslavia. However, it is interesting that, despite frequent criticism, Serbia is the only country that speaks openly and condemns crimes perpetrated by Serb nationals, while in other regional countries they do not speak at all about crimes that representatives of those nations committed against members of Serbian people. And I want to emphasize once again here, in front of everyone, that Serbia condemns the terrible crime committed in Srebrenica and extends its deepest condolences to the families of all killed in that massacre. And there are no buts in that respect.

Nevertheless, we are here to analyse the results and penal policy of the ICTY and the Mechanism, which are such that it has never gained the trust of the Serbian people, no matter where they live. I say this not because we Serbs do not acknowledge crimes committed by some of our compatriots, but because The Hague Tribunal, with exceptions, has judged only Serbs and in all three territories of the former Yugoslavia — Croatia, Bosnia and Herzegovina and Kosovo and Metohija — the latter of which some Council members see and name — of course, contrary to law, legal norms and United Nations resolutions — as an independent State. I will try to concretely prove how The Hague's justice has been tailored, even though I know that it will not be understood by many here, but to me it is important because of the history, facts and school books that will be written in accordance with the facts.

Specifically, Serbs have been sentenced to a total of 1,138 years of imprisonment and to 8 life sentences. At the same time, The Hague Tribunal has not sentenced a single Croat for crimes against Serbs — neither those committed in Operation Medački Džep, nor those committed in Operations Flash and Storm. This was done with great political cunning in the Tribunal, and all wrapped in the formalities of law and justice. Prosecutors of The Hague Tribunal deliberately chose Ante Gotovina, Naser Orić and Ramuš Haradinaj — three military and political leaders of Croats, Bosniac Muslims and Albanians

from all of the three aforementioned territories — to try for crimes committed against Serbs. It is interesting that, following the same pattern, this injustice was shared. Specifically, all of them were sentenced in the first-instance procedure, with the exception of Ramuš Haradinaj, because not a single witness survived. Gotovina was sentenced to 24 years' imprisonment in the first-instance procedure, while by a mysterious decision of the second instance Chamber and a ratio of three justices to two, the verdict was changed to acquittal. Naser Orić, tried for crimes against Serbs in Bosnia, was also found guilty in the first-instance verdict, but by a mysterious decision of the second-instance Chamber, and again by a decision of three to two, was acquitted and freed of all liability. Let me reiterate: all witnesses in the trial against Ramuš Haradinaj either committed suicide or were killed under very strange circumstances.

In conclusion, I do not want to believe that someone wants to say that there were no crimes against Serbs; but judging by the verdicts at The Hague Tribunal, no one — absolutely no one — is responsible for those crimes. Nevertheless, we in Serbia will show responsibility and fight for peace, stability and reconciliation in the region.

We ask Security Council Member States to help us with a rational and pragmatic approach and respect for international law, and not with attempts at further humiliation of Serbia. Serbia is a small country, with a proud and courageous people, the country that made the biggest sacrifice during the First and Second World Wars — a people who want to leave in peace with their neighbours. And when I am asking for this, I do not think I am asking for too much.

Serbia is the fastest-growing country of the Western Balkans region, and we cannot progress unless our relations with neighbours, friends and other countries are good, solid and better. That is why, despite the selective justice that was applied at The Hague Tribunal, we will be open for any dialogue, any kind of cooperation, and we will look towards the future and not towards the past.

I have only one message for the citizens of Serbia and the citizens of Serbian nationality in the entire region: keep your heads up; neither Serbia nor Serbian people are convicted of anything. And it is up to us to work even more diligently, to open factories and to fight for our children and our future.

The President: I now give the floor to the representative of Bosnia and Herzegovina.

Mr. Alkalaj (Bosnia and Herzegovina): At the outset, please allow me to congratulate you, Mr. President, on assuming the presidency of the Security Council for this month. We wish you every success in performing your duties during the ongoing special circumstances caused by the coronavirus disease (COVID-19) pandemic.

I would also like to thank Judge Carmel Agius and Mr. Serge Brammertz, the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals (IRMCT), respectively, for their reports and today's comprehensive briefings. We are grateful that the Mechanism continued to make progress in its work during the reporting period and that it continues to function despite the pandemic.

On behalf of the authorities of Bosnia and Herzegovina, I would like to express our deepest condolences to the families and to the Mechanism on the loss of Judge Gberdao Gustave Kam of Burkina Faso, who passed away on 17 February.

We note the continued progress made by the Mechanism in fulfilling the remaining activities of the International Tribunal for the Former Yugoslavia (ICTY). We commend the IRMCT for its efficiency in bringing all of its unfinished cases to a close this year in spite of its reduced resources during the pandemic.

Since the previous two meetings of the Security Council, the COVID-19 pandemic has had a serious impact on the actions and activities of the International Residual Mechanism for Criminal Tribunals as well as on the judicial authorities of Bosnia and Herzegovina. We are aware of the challenges that the pandemic has posed for national prosecutors of war crimes in Bosnia and Herzegovina. The work of the Prosecutor's Office and the Court of Bosnia and Herzegovina, which deals primarily with the unfinished and most complex war crime cases, were particularly affected. Bearing in mind that a massive programme to vaccinate all citizens of Bosnia and Herzegovina has begun, we expect that national- and international-level judicial institutions will carry out their duties and responsibilities at an accelerated pace.

I hereby inform the Security Council that the judicial authorities of Bosnia and Herzegovina have taken all the measures necessary to implement the revised

strategy for the work of war crimes cases, as adopted by the Council of Ministers of Bosnia and Herzegovina in September 2020. One of the first and most important goals of the strategy is to conclude all unresolved war crimes cases by 2023. To that end, the authorities of Bosnia and Herzegovina are working to resolve all open war crimes cases among judicial authorities of different levels in Bosnia and Herzegovina. All potential perpetrators of war crimes must be prosecuted for their personal or command responsibilities. In accordance with the revised strategy, judicial authorities should unify court practice in order to strengthen trust in the judicial system and ensure the equality of all citizens before the law. The implementation of the strategy will send a strong message that impunity will not and must not be allowed.

I would like to emphasize again, as evidenced in these reports throughout the relevant period of operations, that the cooperation of Bosnia and Herzegovina with the ICTY and the successor Mechanism was stable and complete. We remain committed to contribute actively to the Mechanism's efforts to accomplish its mission. We would also like to reiterate our commitment to its work and to call on all Member States to fulfil all obligations and to make their financial contributions in order to provide for the Mechanism's uninterrupted work.

We would like to express our gratitude for the support of the European Union, the Organization for Security and Cooperation in Europe and the United Nations Development Programme for strengthening the human and material resources of judicial institutions prosecuting war crimes and engaged in general capacity-building. In that regard, I would like to inform the Council that Bosnia and Herzegovina recently opened its first national-level prison facility built in accordance with high human rights and European Union standards. That institution was constructed with the assistance of the European Union, other international donors and domestic resources.

I would like to emphasize that Bosnia and Herzegovina remains committed to investigating, prosecuting and punishing all persons responsible for war crimes, regardless of the offenders' nationality, ethnicity, religion or political or other affiliation. Cooperation between institutions of Bosnia and Herzegovina and those of neighbouring countries in the exchange of information is also critical as we continue to search for more than 6,000 persons who remain missing in Bosnia and Herzegovina. I would

also like to emphasize that the glorification of war crimes and their perpetrators is unacceptable and must be punishable under the law. All those measures are necessary for reconciliation in Bosnia and Herzegovina and the Western Balkans region.

Lastly, I take this opportunity to draw the attention of the Security Council to the three specific cases that pertain to this important point.

First, I refer to the case of General Jukić, which illustrates the vital importance of consistent cooperation among the Prosecutor's Office, the competent authorities in Bosnia and Herzegovina and those of neighbouring countries Serbia and Croatia, in accordance with the principles of international justice and the rule of law, which is crucial for the investigation and prosecution of war crimes. Having been convicted of war crimes by the relevant court of Bosnia and Herzegovina, Mr. Jukić escaped to Serbia, a catastrophe that has undoubtedly had a negative effect on cooperation in the region and damages good and productive bilateral and multilateral relations throughout the region. Mr. Jukić must be returned to face the legal and judicial consequences of his severe crimes.

Secondly, on behalf of Bosnia and Herzegovina, I am pleased to note that, after many years, the war crimes proceedings against Jovica Stanišić and Franko Simatović, who stand accused of grave offences, are close to conclusion. It is equally important that the adjudication of those cases be completed and that the verdicts of the judiciary be issued and implemented.

In conclusion, the Security Council is undoubtedly aware that the IRMCT issued its final verdict today in the case of Ratko Mladić, who, after years of eluding justice with the complicity of Serbian authorities, was convicted in 2017 of genocide and other war crimes against humanity. Today the mechanism confirmed that verdict and, in doing so, brought to a conclusion one of the worst chapters in modern human history. Today Bosnian Serb leaders continue their efforts to hide their atrocities and deny the genocide. They glorify as heroes the evil men and women who perpetrated these crimes, even though Mladić and most other key figures in the Bosnian Serb ultra-nationalist leadership have been brought to justice and convicted of war crimes against humanity.

As today's final verdict illustrates, these denials and efforts to rewrite history will continue to fail. Mladić, known as the Butcher of the Balkans ever

since the mass murder of defenceless men and boys was uncovered, will die in disgrace and live in infamy. The devastating consequences of these offences remain, and family members of the victims can never see their loved ones again, but justice has prevailed. For this, Bosnia and Herzegovina stands today as a grateful nation.

The President: I now give the floor to the representative of Croatia.

Mr. Šimonović (Croatia): I thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Agius, as well as Prosecutor Brammertz, for their briefings today and for their recent reports. I wish to express my condolences to the family of Judge Kam.

Croatia welcomes today's long-awaited final judgment rendered by the Residual Mechanism, which confirmed the life-imprisonment sentence against Ratko Mladić for atrocity crimes committed in Bosnia and Herzegovina. Considering the gravest war crimes and crimes against humanity that were the subject matter of the indictment and the various joint criminal enterprises in which Mladić participated in Bosnia and Herzegovina, and keeping in mind that the International Tribunal for the Former Yugoslavia (ICTY) had established that genocide was committed in Srebrenica, this judgment is appropriate.

While the final judgment in the *Mladić* case brought a degree of relief to the families of his many victims in Bosnia and Herzegovina, including of the genocide in Srebrenica, we remind the Security Council once again that it was in Croatia in 1991 that he began his infamous warpath. Hundreds of his victims in Croatia never saw him stand trial for those crimes. What is more, they were never even included in his indictment, although Croatian authorities provided assistance to the ICTY Prosecutor's Office by meeting their requests in this case.

President Vučić pointed out that during the conflict in the former Yugoslavia, no one was an angel. I will not discuss in this Chamber the many cases he mentioned because it is not the time or the place. However, I will mention that it is also quite clear who the devil was. Mr. Milošević's death deprived us of the judgment that would have provided the framework for all individual atrocity crimes committed during the conflict in Croatia, Bosnia and Herzegovina and Kosovo. Today's final judgment and the life sentence against the General Mladić — one of Mr. Milošević's

most brutal henchmen — cannot fill that void, but at least it provides justice for some of their victims.

Croatia is paying great attention to the progress of all ongoing cases, in particular the case against Jovica Stanišić and Franko Simatović, which is in the trial phase. We note the Mechanism's efforts to minimize coronavirus-disease-related delays of trials, yet, despite these efforts, the Mechanism was regrettably not in a position to conclude the *Stanišić and Simatović* case as previously planned. Therefore, we urge the Mechanism to redouble its efforts to deliver its judgment by the end of this month, as stated in the report we have before us. We have every confidence that the prosecution provided the Trial Chamber with enough evidence to determine beyond any doubt Stanišić's and Simatović's criminal responsibility for atrocity crimes committed in the armed conflicts in Croatia and Bosnia and Herzegovina, as well as their role in the joint criminal enterprise. Since unfortunately the *Milošević* case did not end with the verdict against him, it is very important that this case ends with a judgment that clearly demonstrates involvement of the top Serbian authorities in atrocity crimes committed in Croatia and Bosnia and Herzegovina.

Croatia remains firmly committed to the development of good relations and cooperation with neighbouring States, and we strongly support their aspirations towards European Union membership, based on their full compliance with clear and well-known criteria, especially with regard to the rule of law, including full cooperation with the Mechanism. In order to persist on this path and deliver results, a strong political commitment is required, as well as a more decisive approach in processing war crimes.

In that regard, we remain very concerned with Serbia's lack of cooperation with the Mechanism. Recently, the Court sitting in single-judge formation issued the decision in which it found that Serbia has failed to comply with its obligations to arrest the accused, Petar Jojić and Vjerica Radeta, for contempt of the court and transfer them to the Mechanism. We underline the need for Serbia to fully cooperate with the Mechanism, including by fully accepting and implementing all of its rulings and decisions. Intimidation of witnesses is a serious crime that undermines accountability efforts, and it should be treated as such.

We give great importance to the continuation of cooperation with other neighbouring States in matters

related to war crimes. In this respect, we appreciate positive developments in cooperation with Bosnia and Herzegovina. Croatia hopes to achieve the same progress with Serbia in due time as well. Croatia is still waiting for Serbia's response to its September 2019 invitation to the fourth and final round of negotiations, which we hope would result with the finalization of the draft text of a bilateral agreement on processing war crimes.

Croatia continues to work to establish the whereabouts of the remaining wartime missing persons. While thousands of cases have been resolved, the search for 1,864 missing Croatian citizens and their remains is ongoing, without regard to their ethnicity. We must remember that behind every number there is a person, and behind every person there is a story that deserves to be told, in the hope that it might contribute to the reconciliation efforts and the peaceful coexistence of peoples as well as provide comfort to the families of victims. To this end, Croatia holds dialogues with other States and international organizations in the hope of establishing whereabouts of missing persons. Unfortunately, Serbia still does not invest sufficient energy in efforts to find the victims who went missing in the war. This issue has been raised on every possible occasion with Serbia's representatives.

In conclusion, let me reconfirm Croatia's full support for the mission and work of the Mechanism. Croatia remains a strong supporter of international criminal justice, including this Mechanism as well as the International Criminal Court.

The President: I now give the floor to the representative of Rwanda.

Mrs. Rugwabiza (Rwanda): I thank President Agius and Prosecutor Brammertz for their progress reports and detailed briefings. We commend them for their continued efforts in the execution of the mandate of the International Residual Mechanism for Criminal Tribunals. We appreciate the good cooperation existing between the Mechanism and the Government of Rwanda.

We express our sincere condolences to the Mechanism on the passing of Judge Gberdao Gustave Kam, of Burkina Faso.

Rwanda notes the focus of both briefers' reports on the remaining fugitives. We are disappointed by the continued lack of effective cooperation from Member

States. This is the single most important impediment to the completion of the mandate the Security Council gave to the Mechanism, and it calls for the Council's urgent attention. Let us recall that Rwanda sent out more than a thousand indictments to countries around the world, requesting their cooperation with the arrest and prosecution of genocide fugitives or their transfer to Rwanda. Few countries have responded to these indictments.

Rwanda commends countries that have extended cooperation to the Office of the Prosecutor of the Mechanism and to the Rwanda prosecution. Rwanda welcomes the commitment of His Excellency Mr. Emmanuel Macron, President of France, during his visit to Rwanda last month to pursuing efforts to seek justice for the victims and survivors of the 1994 genocide against the Tutsis in Rwanda by bringing to justice the alleged perpetrators living on French territory.

We also welcome the cooperation extended by the law enforcement agencies of France, which led to the arrest of genocide fugitive and mastermind Félicien Kabuga in May 2020. He had been on the run for more than two decades. We welcome too the more recent decision by the French judiciary to set the trial date for genocide fugitive Laurent Bucyibaruta, who resides in France. The date has been set for 9 May 2022. Lastly, we welcome the start of the trial proceedings for both Kabuga and Bucyibaruta and encourage the courts to accelerate the proceedings to allow the long-delayed justice to finally be rendered.

We wish to express our appreciation for the cooperation extended by the United States with regard to the recent extradition to Rwanda of genocide fugitive Beatrice Munyenyezi in April.

Those developments demonstrate that justice can be rendered where there is political will to extend judicial cooperation to bring to justice those responsible for crimes against humanity.

As indicated in the report of the Prosecutor, a number of genocide fugitives live in African countries. This is the place for us to recall the African Union (AU) Peace and Security Council decision PSC/PR/COMM.(CMLXXXIX), dated 12 April, which calls on all African Union member States to investigate, arrest, prosecute or extradite the genocide fugitives currently residing on their territories.

Failure to comply with both the Security Council and the AU Peace and Security Council resolutions and decisions to cooperate and bring genocide fugitives to justice has a negative impact on the maintenance of international peace and security, which should be obvious to the Council. The attacks of extreme violence perpetrated against populations by armed groups in the eastern part of the Democratic Republic of the Congo, which were formed and funded by genocide fugitives, are well-documented and their crimes against civilians of communities to which they fled have often been reported to the Council.

In conclusion, I wish to say a few words about the issue of genocide denial. The Office of the Prosecutor has regularly reported on genocide denial. Rwanda and many other countries have expressed their grave concern in that regard. The Government of Rwanda welcomes the prosecution of those who interfere with witnesses with the aim to revise established facts. We agree with the Prosecutor that such contempt of court is a form of genocide denial and those guilty of it must face the force of the law.

The President: The President of the Republic of Serbia has asked for the floor to make a further statement. I now give him the floor.

President Vučić: I wanted to reply on some issues that were mentioned by delegation representatives during this afternoon's meeting and to provide a little more information about Serbia's non-compliance with the requests and demands of the International Residual Mechanism for Criminal Tribunals.

First of all, I wanted to say that the representative of the Bosnia and Herzegovina delegation said that he was speaking on behalf of Bosnia and Herzegovina, which is not true. We all received a letter from the presiding Chairman of the Presidency of Bosnia and Herzegovina, Milorad Dodik, who said that it was not with the real consent of the Bosnian Presidency; it was the private opinion of the representative of Bosnia and Herzegovina. I am not going to go into the details in which he was criticizing Serbs from Bosnia and Bosnian Serb leaders. It is not the best politics to criticize and offend one's own people, but it is up to them.

I did not say anything against anyone or any country of our region in my statement, but the Bosnian and Croatian representatives did. The Croatian representative, the head of the delegation, said that it was well known who the devil was. It would be easy

for me to reply to him by saying that it is very obvious. There was only one, a very big and one of the largest concentration camps in this region, found in a very small place — Jasenovac. I think that at least everyone knew who the devil was.

But we do not need to go that far back in history. I think that we have different opinions on the events of recent history. But, as a matter of fact, we respect their attitudes, although we do not share them.

At the same time, those present will notice that there were no responses to the issues that we tackled or the questions that we raised with regard to the fact as to why there were no Croats responsible for the terrible crimes committed against Serbs, not a single one, before the International Tribunal for the Former Yugoslavia. There was not a single one — only a few Bosnian Muslims with regard to heinous crimes against Serbs in Bosnia.

Of course, I need to say once again that we strongly condemn the atrocities and the crimes committed by our compatriot Serbs. That is the difference between us.

I wanted to add one more thing for everyone present this afternoon around this table, that is, the nice rhetoric on missing persons. But the Croatian representative forgot to say that there are more missing Serbs than missing Croats. They always forget to say that. I am saying this officially to the Council. That is the conclusion of the Croatian Red Cross, not the Red Cross of Serbia. This is just for the Council to know that we are completely ready to deliver everything

on missing persons. What we propose to Croats and Albanians as well is that they should find a place in Serbia and let us know they have some doubts regarding the fact that there were some buried people. We will go there, together with them, within 24 hours, excavate the place and bring the truth to the families of those missing persons. We have nothing to hide and will never protect or hide perpetrators of those terrible crimes. That is why I think that the position of the Republic of Serbia is very strong.

Many Member States were asking us this afternoon and demanding from us to ensure compliance and abide by resolution 1966 (2010). Those words came mainly from those that brutally violated resolution 1244 (1999), which mentions the territorial integrity of the Federal Republic of Yugoslavia. They started to recognize Kosovo's independence. That is something that shows those red-herring principles, double standards and everything else.

Finally, we will continue to cooperate with the Mechanism and the Office of the Prosecutor. We will fulfil our obligations. But, as the Chinese representative proposed, I ask that the Council try to find some proper solutions and not to humiliate Serbia, but to work together with us to find a partnership relationship. Then I think that would be good, as something good would be done for the benefit for us all. I once again thank the Council very much for listening to me and for giving me an opportunity to intervene.

The meeting rose at 5.20 p.m.