



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

The International Residual Mechanism for Criminal Tribunals (“Mechanism”) was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”) which closed in 2015 and 2017, respectively.

STATEMENT

PRESIDENT

(Exclusively for the use of the media. Not an official document)

The Hague, 21 March 2024

Judge Graciela Gatti Santana, IRMCT President Video message for High-Level Conference: “Building a Common Agenda for Prevention in the Western Balkans”

Ladies and gentlemen,

I am deeply honoured to address you today as part of this conference focusing on building a common agenda for prevention in the Western Balkans. I also note with interest that the topic of reparations for victims of the 1990s conflicts in the former Yugoslavia is part of this discussion.

As President of the International Residual Mechanism for Criminal Tribunals (Mechanism), I am acutely aware of the disturbing rise in denial, glorification, and historical revisionism concerning the atrocity crimes committed during those conflicts. Questioning the facts established by the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Mechanism is a common way in which the voices of hatred seek to perpetuate division and undermine the truth.

This is why I place great importance on consolidating the legacy of the Mechanism and the *ad hoc* Tribunals, especially at this stage of the Mechanism’s lifespan when it no longer has active trials or appeals in core crimes cases.

In this context, we have been making significant efforts to ensure that the judicial findings made by the Mechanism and its predecessor Tribunals reach the widest audience possible. We do this by providing access to online databases, facilitating the establishment of information centres in line with Security Council resolution 1966 (2010), and conducting outreach activities in the region of the former Yugoslavia with support from the European Commission. Moreover, every year the Mechanism responds to numerous requests for assistance by national jurisdictions, allowing for evidence and other materials to be utilised in domestic proceedings. It is clear that our work does not end with the pronouncement of a judgement.

The Mechanism will continue to do its utmost, within the constraints of its nature as a court of law, to increase awareness of the judgements and records for which it is responsible. However, there is much more to be done by different stakeholders to ensure that denial and related phenomena are combated, and that the experiences of victims are acknowledged and respected. Reparations can play an important role in this regard.

When the ICTY was created more than 30 years ago, it was not mandated to address reparations for victims of the crimes within its jurisdiction. Similarly, the Mechanism as its successor has no such mandate.

International Residual Mechanism for Criminal Tribunals

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Despite this, the role of victims before the ICTY and the Mechanism has, without doubt, been critical. Throughout the trials, victims have exhibited extraordinary courage as witnesses. In bravely recounting their harrowing experiences, they have enabled Judges to make findings, issue judgements, and establish the truth of what happened. Their stories are testaments to the resilience of the human spirit and also serve as stark reminders of the imperative of “never again”.

It is encouraging to observe that the right of victims of international crimes to claim reparations has now been more widely recognised. A number of courts and tribunals set up after the ICTY incorporate related principles and procedures in their legal frameworks, seeking to provide victims with a means of redress for the harms they have suffered. Likewise, there is a push for similar developments within the domestic sphere. Indeed, I am heartened to see the journey that victims of the conflicts in the former Yugoslavia have embarked on in seeking reparations in recent years.

Although still being refined, such processes may be seen as a natural evolution of a field of law that, in many respects, has victims at its centre. This being the case, I consider that the views of civil society and grassroots initiatives should be reflected in ongoing efforts to achieve reparations at all levels – whether international, regional, or national.

I am confident that the next panel will foster some very fruitful discussions on these issues, and particularly on how the challenges faced by victims in their pursuit of reparations for past atrocities might be overcome.

My hope is that the rich legacy of the *ad hoc* Tribunals and the Mechanism can provide a basis not only for fair, inclusive legal proceedings, but also honest conversations, where national and local authorities, media, civil society, and citizens take the lead. As custodian of this legacy, the Mechanism remains resolute in its mission to preserve and ensure access to the judicially established facts, both as a tribute to the victims, and so that the broader goals of international criminal justice, including prevention, may be better served.

Thank you for your attention and I wish you a most successful and productive session.
