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International Residual Mechanism for Criminal Tribunals

**Security Council
Seventy-ninth year**

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the twelfth annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution [1966 \(2010\)](#), annex 1).

* [A/79/150](#).



Letter of transmittal

Letter dated 29 July 2024 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the twelfth annual report of the International Residual Mechanism for Criminal Tribunals, dated 29 July 2024, to the General Assembly and to the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(Signed) Graciela **Gatti Santana**
President

Summary

Twelfth annual report of the International Residual Mechanism for Criminal Tribunals

The present annual report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2023 to 30 June 2024.

The reporting period marked a historic turning point for the Mechanism, which transitioned into its truly residual phase following the indefinite stay of the last core crimes case and the conclusion of fugitive tracking. Furthermore, and in line with Security Council resolution 2637 (2022) and the recommendations of the Office of Internal Oversight Services, the Mechanism developed a comprehensive, scenario-based workforce planning document, which it submitted to the Security Council Informal Working Group on International Tribunals in connection with the Council's fifth review of the progress of work of the Mechanism. The document presented a framework of operations to complete the Mechanism's functions, including projections for the completion of its longer-term residual functions and assessed options for the transfer of its remaining activities. The review process culminated in the adoption by the Security Council of resolution 2740 (2024), in which the Council continued the Mechanism's mandate and reappointed the Prosecutor for a two-year period. The Secretary-General extended the terms of office of the judges on the judicial roster and the Registrar.

While the shift in the Mechanism's primary functions involves a decrease in the institution's workload flowing from core trial and appeal proceedings, it does not signify the end of judicial and other activities. During the reporting period, the Chambers remained seized of mandated judicial activity concerning, for example, allegations of contempt, requests for access to confidential information, variation of witness protective measures and requests for review. The trial chamber seized of the last core crimes case, *Prosecutor v. Félicien Kabuga*, has indefinitely stayed the proceedings following a determination that Mr. Kabuga is unfit for trial and unlikely to regain fitness. The chamber is now focused on his possible release, monitoring his health and exploring the recovery of legal aid funds expended for his defence.

The Prosecution has concluded the tracking of the last three remaining fugitives of the International Criminal Tribunal for Rwanda, Aloys Ndimbati, Charles Ryandikayo and Charles Sikubwabo, establishing that all are deceased. In addition, the Prosecution focused on monitoring, supporting and advising national judicial authorities in prosecuting war crimes cases arising out of the conflicts in Rwanda and the former Yugoslavia.

The Registry continued to support the work of the Chambers and the Prosecution at both branches, focusing on three strategic priorities: (a) to support the fair and expeditious completion of judicial activity; (b) to smoothly administer and service continuous functions; and (c) to further cultivate staff development and morale. The Registry achieved greater efficacy, ensuring timely and effective provision of quality support and administrative services to the Mechanism. It further harmonized and streamlined practices and, in particular, collaborated with other organs to streamline functions related to the supervision of enforcement of sentences and external relations.

I. Introduction

1. The present report covers the period from 1 July 2023 to 30 June 2024, which marked the historic transition of the International Residual Mechanism for International Tribunals into a fully residual institution following the conclusion of active core crimes proceedings and the tracking of fugitives. During this period, the Mechanism intensified its focus on future planning and winding down operations, which culminated in the development and submission of a report presenting a framework of operations to complete its functions to the Security Council Informal Working Group on International Tribunals in April 2024.

2. These developments do not, however, imply the end of judicial activity. The Mechanism continued to deliver justice as mandated by the Security Council in its resolution 1966 (2010), adjudicating matters related to, for example, witness protection, sentence enforcement, potential contempt and requests for review. Moreover, the Prosecution continued to provide crucial assistance to national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda.

3. The reporting period also included the fifth review by the Security Council of the progress of the Mechanism's work in accordance with Council resolution 1966 (2010). The review, which included consideration of an evaluation of the methods and work of the Mechanism by the Office of Internal Oversight Services (OIOS), resulted in the adoption of Council resolution 2740 (2024), by which the Council continued the mandate of the Mechanism and reappointed the Prosecutor for another term of two years.

4. In addition, the Mechanism is pleased that, in April 2024, OIOS confirmed that the two outstanding recommendations pending from previous evaluations had been satisfactorily addressed and formally closed them. These recommendations concerned the development of scenario-based workforce plans and the improvement of systematic thinking and a shared vision of institution-building.

5. Regrettably, the Mechanism continues to face challenges in fulfilling its mandate and requires increased cooperation and engagement from Member States. One such challenge is the unresolved situation of the acquitted or released individuals relocated to the Niger in December 2021, who remain under de facto house arrest in violation of the agreement with the United Nations. Another key challenge is the threat to the legacy and work of the ad hoc Tribunals and the Mechanism posed by genocide denial, historical revisionism and the glorification of convicted war criminals.

II. Activities of the Mechanism

A. Organization

6. In resolution 1966 (2010), the Security Council decided that the Mechanism would operate for an initial period of four years from 1 July 2012, and subsequently for periods of two years, following periodic reviews of the progress of the Mechanism's work, including in completing its functions, unless decided otherwise by the Council.

7. During the reporting period, and in connection with the Security Council's fifth periodic review of the Mechanism's progress, OIOS evaluated the methods and work of the Mechanism. In its report (S/2024/199), OIOS focused on the Mechanism's engagement with its main stakeholders in the discharge of its residual functions. The evaluation was positive overall and included four recommendations, which are

currently being implemented. The Mechanism submitted the report on its fifth review to the Council on 15 April 2024 (S/2024/308).

8. Pursuant to article 3 of its statute, the Mechanism comprises two branches. Its branch in Arusha, United Republic of Tanzania, assumed functions derived from the International Criminal Tribunal for Rwanda and commenced operations on 1 July 2012. Its branch in The Hague, the Kingdom of the Netherlands, assumed functions derived from the International Tribunal for the Former Yugoslavia and commenced operations on 1 July 2013. In accordance with article 4 of the statute, the Mechanism consists of three organs: (a) the Chambers; (b) the Prosecutor; and (c) the Registry.

9. Each organ is headed by a full-time Principal common to both branches. The President is based in The Hague and the Prosecutor and Registrar are based in Arusha. During the reporting period, the Principals were the President, Graciela Gatti Santana (Uruguay), the Prosecutor, Serge Brammertz (Belgium), and the Registrar, Abubacarr M. Tambaou (Gambia). The terms of all three Principals ran until 30 June 2024.

10. On 27 June 2024, following the fifth review, the Security Council adopted resolution 2740 (2024), by which it extended the Mechanism's mandate and reappointed Mr. Brammertz as Prosecutor for another term of two years. Subsequently, the Secretary-General renewed the terms of office of the Mechanism's judges and the Registrar.

11. Under article 8 of the statute, the Mechanism has a roster of 25 independent judges who, insofar as possible and as decided by the President, exercise their functions remotely. Mechanism judges are not remunerated for being on the judicial roster and receive compensation only for the days on which they exercise their functions, as assigned by the President. Pursuant to article 12 (2) of the statute, the President continued to assign duty judges at the Arusha branch.

12. During the reporting period, the Secretary-General appointed Judge René José Andriatianarivelo (Madagascar) to the Mechanism's judicial roster, effective 20 February 2024. Judge Andriatianarivelo replaced Judge Mahandrisoa Edmond Randrianirina (Madagascar), who had resigned from the roster effective 4 October 2023. Eight of the Mechanism's judges are women.

13. The Mechanism's current judicial roster comprises (in order of precedence): Judge Graciela Gatti Santana, President (Uruguay), Judge Jean-Claude Antonetti (France), Judge Joseph E. Chiondo Masanche (United Republic of Tanzania), Judge William H. Sekule (United Republic of Tanzania), Judge Lee G. Muthoga (Kenya), Judge Carmel Agius (Malta), Judge Alphons Orie (Netherlands), Judge Burton Hall (Bahamas), Judge Florence Rita Arrey (Cameroon), Judge Vagn Prüsse Joensen (Denmark), Judge Liu Daqun (China), Judge Prisca Matimba Nyambe (Zambia), Judge Aminatta Lois Runeni N'gum (Gambia/Zimbabwe), Judge Seon Ki Park (Republic of Korea), Judge José Ricardo de Prada Solaesa (Spain), Judge Ivo Nelson de Caires Batista Rosa (Portugal), Judge Seymour Panton (Jamaica), Judge Yusuf Aksar (Türkiye), Judge Mustapha El Baaj (Morocco), Judge Claudia Hoefler (Germany), Judge Iain Bonomy (United Kingdom of Great Britain and Northern Ireland), Judge Fatimata Sanou Touré (Burkina Faso), Judge Margaret M. deGuzman (United States of America), Judge Lydia Mugambe (Uganda) and Judge René José Andriatianarivelo (Madagascar).

14. On 26 and 27 February 2024, President Gatti Santana convened the Mechanism's fourth in-person plenary of judges, which was held at the Arusha branch.

B. Legal and regulatory framework

15. The Mechanism's activities are governed by a legal and regulatory framework comprising the Mechanism's statute, its Rules of Procedure and Evidence and other rules, regulations, practice directions and internal policies.

16. During the fourth in-person plenary of judges of the Mechanism, and in accordance with article 13 of the statute, the judges amended the Rules of Procedure and Evidence by deleting rule 155, which related to a declassification procedure that was without prejudice to declassification of records under other regulatory provisions. The judges considered that implementing procedures under rule 155 could have led to substantial expenditures and delays in future work. The revised version of the Rules is publicly accessible on the Mechanism's website.

17. On 10 November 2023, the United Nations Detention Unit in The Hague issued guidelines on requesting medical records of detainees, responding to a recommendation made by the International Committee of the Red Cross (ICRC). The Registry has also completed a standard operating procedure for transcripts of judicial proceedings of the International Criminal Tribunal for Rwanda, as well as three standard operating procedures regarding audiovisual recordings of the judicial proceedings of the ad hoc Tribunals and the Mechanism.

C. Rules Committee

18. The Rules Committee submits an annual report, addressing any proposals for amendments of the Rules of Procedure and Evidence. The judicial membership of the Rules Committee comprised Judges Hall (Chair), Park and Rosa, with the President as an ex officio member. The non-voting membership comprised representatives of the Prosecution, the Registry and the Association of Defence Counsel practising before the International Courts and Tribunals.

D. Mechanism Coordination Council

19. Pursuant to rule 25 of the Rules of Procedure and Evidence, the Mechanism Coordination Council consists of the President, the Prosecutor and the Registrar and meets regularly to coordinate the activities of the three organs. During the reporting period, the Council, chaired by the President, discussed numerous cross-cutting topics, including budgetary issues, downsizing and future planning.

20. The close cooperation among the Principals, focused on further enhancing systematic thinking and a unified vision of the Mechanism's future, was recognized by OIOS when it formally closed its previous recommendation in this regard in April 2024 (see [S/2022/148](#), paras. 43–47, and [S/2020/236](#), para. 66).

E. Planning for the future

21. With the historic conclusion of two core residual functions, the Mechanism continued to refine its future planning. In response to Security Council resolution [2637 \(2022\)](#), the Mechanism submitted its draft proposed framework of operations to complete its functions to the Security Council Informal Working Group on International Tribunals in December 2023. Following feedback from the Working Group and the respective jurisdiction and host States, the Mechanism provided a revised version of the framework in April 2024, in time for the Council's fifth review of the Mechanism's progress of work.

22. In the ensuing resolution 2740 (2024), the Security Council took note of the information submitted by the Mechanism to the Working Group on scenarios and projections for the completion of the remaining residual functions and the possible transfer of the Mechanism's activities. The Council requested the Secretary-General to present an updated report on the administrative and budgetary aspects of the options for possible locations of the archives, as well as a report on options for the transfer of the supervision of the enforcement of sentences and assistance to national jurisdictions. The Mechanism stands ready to assist the Secretary-General and will continue furnishing the Working Group with updated information as requested.

23. In addition, the Mechanism further streamlined its internal operations. Cross-organ efforts achieved greater efficiencies in relation to supervising the enforcement of sentences, external relations and the monitoring of cases referred to national jurisdictions. The Mechanism will continue to adapt and improve its processes to ensure the effective completion of its activities.

F. Relocation of acquitted or released persons

24. Despite the Mechanism's persistent diplomatic efforts to find a durable solution for the acquitted or released persons who were relocated to the Niger in 2021, their situation remains unresolved.

25. The Registrar continued to collaborate with the counsel and families of the relocated persons in assessing, identifying and approaching potential new relocation States. To this end, the Registry has further enhanced communications with States where the relocated persons have submitted family reunification requests and States that have previously responded positively to the Mechanism's requests for cooperation and assistance. The Mechanism's actions are without prejudice to the relocated persons' own efforts to find States to settle in. To increase transparency and in line with the President's order of 19 December 2022, the Registrar continued to file bimonthly reports on the steps taken to resolve the situation. During the reporting period, the Registrar's reports were filed on 6 July, 11 September and 10 November 2023, and 9 January, 8 March and 6 May 2024. In addition, following the President's decision of 27 May 2024, the Registrar held a meeting with the counsel for the relocated persons on 18 June 2024 to allow them to communicate their views orally.

26. The President also raised the matter in numerous bilateral meetings with Member States, as well as with the Security Council and its Working Group and the General Assembly.

27. Following a single judge's order on 4 January 2024, the Registrar provided each relocated person with an additional lump sum of \$10,000 to support their daily living expenses.

28. On 7 May 2024, the Mechanism was informed of the passing of a relocated person, Anatole Nsengiyumva, following his hospitalization the day before in Niamey.

29. The situation of the relocated persons cannot be resolved by the Mechanism alone. The Mechanism refers to Security Council resolution 2740 (2024), in which the Council reiterated its call to all States to intensify their cooperation with and render all necessary assistance to the Mechanism.

III. Activities of the President and the Chambers

A. Principal activities of the President

30. The President is the institutional head and highest authority of the Mechanism, responsible for the overall execution of its mandate. Pursuant to rule 23 (A) of the Rules of Procedure and Evidence, she coordinates the work of the Chambers, presides over the Appeals Chamber, supervises the activities of the Registry, and carries out other functions specified in the statute and Rules.

31. President Gatti Santana led the institution in furtherance of her three revised priorities as announced to the General Assembly on 18 October 2023, namely: (a) to present the Security Council with a framework of operations to complete the Mechanism's functions during its new residual phase; (b) to promote effective leadership and good governance in the performance of mandated functions and residual activities; and (c) to continue consolidating the legacy of the ad hoc Tribunals and the Mechanism and working closely with all main stakeholders.

32. The President's first priority was realized when she shared a draft framework of operations to complete the Mechanism's functions with the Informal Working Group in December 2023 and subsequently provided a revised version of the framework in April 2024, reflecting inputs received from the Working Group.

33. With regard to the second priority, the President continued to encourage close collaboration among the Principals and senior management to promote good governance and transparent, efficient and responsible leadership. In addition, the President and the Registrar streamlined operations to minimize redundancies in areas such as supervising the enforcement of sentences and managing external relations.

34. In addition, the President, together with the other Principals, held a town hall meeting for all staff in February 2024, to directly engage with staff and keep them informed of relevant developments. President Gatti Santana also regularly met with the Staff Union.

35. Concerning the third priority, the President emphasized the importance of knowledge-sharing and ensuring maximum accessibility to the Mechanism's public judicial records via its website, public databases and library. To this end, she supported initiatives led by the Chambers Legal Support Section, which organized a workshop for court support staff in Sarajevo in December 2023 on the Mechanism's case law database and best practices for providing legal support in cases of international crimes. Furthermore, in June 2024, the Section engaged with about 30 Rwandan judges and judicial personnel on using Mechanism databases for research, requesting access to confidential material, managing unforeseen incidents in judicial proceedings and evaluating evidence.

36. Furthermore, the President engaged with the Governments and peoples of Rwanda and the countries of the former Yugoslavia, as well as other key stakeholders. In July 2023, she participated in the twenty-eighth commemoration of the Srebrenica genocide. In September 2023, she conducted her first official visit to Croatia. In addition, in April 2024, the President, along with the other Principals, attended the thirtieth commemoration of the 1994 genocide against the Tutsi in Rwanda.

37. The President also delivered speeches at various commemorative events and conferences, lectured at universities, took part in expert panels and held numerous diplomatic briefings related to the work and legacy of the Mechanism and the ad hoc Tribunals. Notably, she participated in a round table in Sarajevo in September 2023 with judges and officials from the Court of Bosnia and Herzegovina to share best practices from the International Tribunal for the Former Yugoslavia and the

Mechanism. On 28 and 29 February 2024, the President hosted the Mechanism's second judicial colloquium, in Arusha. This high-level event brought together approximately 100 international and regional legal experts for a series of panel discussions concerning international criminal proceedings and transnational cooperation. It was funded through a generous contribution by the late Benjamin B. Ferencz and his son, Donald Ferencz.

38. Pursuant to article 32 of the statute, the President reported to the Security Council and the General Assembly as appropriate. She submitted the Mechanism's eleventh annual report to the General Assembly and the Security Council on 28 July 2023 (A/78/257-S/2023/566) and briefed the Assembly in October 2023. The twenty-third and twenty-fourth reports on the Mechanism's progress were submitted to the Council in November 2023 (S/2023/881) and May 2024, respectively. The President briefed the Council and the Working Group in December 2023 and June 2024, and additionally met with the Working Group in May 2024.

39. Supervising the enforcement of sentences remained a central area of responsibility for the President in accordance with article 25 (2) of the statute. Having consulted with other judges, as required by rule 150 of the Rules of Procedure and Evidence, the President issued seven decisions on applications for early release and numerous related orders and decisions. The President also issued one decision concerning the implementation of conditions of early release, three decisions in relation to transfers of convicted persons and two concerning the designation of States where convicted persons are to serve their sentences. She also sent 16 letters responding to communications received directly from convicted persons or their representatives.

40. In March 2024, the President hosted a meeting with representatives of ICRC and Member States enforcing sentences on behalf of the Mechanism, for a presentation on the independent thematic review by ICRC of the end of the Mechanism's justice cycle, which highlighted best practices, challenges and lessons learned in sentence enforcement. The Mechanism is most grateful to ICRC and all those who contributed to the thematic review and is considering the implementation of certain key recommendations made therein.

B. Trials, appeals and review proceedings

41. In a decision issued on 6 June 2023, the Trial Chamber in the case against Félicien Kabuga held, by majority, that, on the basis of the unanimous opinion of three medical experts, Mr. Kabuga was not fit for trial and was very unlikely to regain fitness. Consequently, the Trial Chamber, by majority, decided that it should conduct an alternative finding procedure.

42. On 7 August 2023, the Appeals Chamber affirmed the Trial Chamber's decision that Mr. Kabuga was not fit for trial. However, it reversed the Trial Chamber's decision to conduct an alternative finding procedure on the basis that such a procedure falls outside the Mechanism's jurisdiction. As a consequence, the Appeals Chamber remanded the case to the Trial Chamber with instructions to impose an indefinite stay of proceedings, pursuant to which Mr. Kabuga would remain under the Mechanism's jurisdiction, and to expeditiously consider matters related to his detention on remand.

43. Following the Trial Chamber's order of 8 September 2023, the trial proceedings in the case against Mr. Kabuga remain indefinitely stayed. During the reporting period, the Trial Chamber focused on matters relating to monitoring Mr. Kabuga's health, considering his possible release and exploring the recovery of legal aid funds expended in connection with his defence, in light of the Registrar's conditional determination in October 2023 that Mr. Kabuga was not indigent. The Trial Chamber

held two status conferences, on 13 December 2023 and 26 March 2024, to discuss these issues and enquire into Mr. Kabuga's conditions of detention.

44. In relation to review proceedings, on 10 October 2023 the Appeals Chamber, composed of Judges Gatti Santana, presiding, Masanche, Hall, Liu and N'gum, dismissed Augustin Ngirabatware's second request for review of his convictions for direct and public incitement to commit genocide and for instigating and aiding and abetting genocide.

45. The Appeals Chamber, composed of Judges Gatti Santana, presiding, Antonetti, Hall, N'gum and Park, is also currently seized of a request for review filed confidentially on 14 December 2023 by Gérard Ntakirutimana against his convictions for genocide and crimes against humanity entered by the International Criminal Tribunal for Rwanda. This request arises in part out of litigation conducted before the Mechanism between December 2013 and July 2018 in relation to whether a key witness provided false testimony against Mr. Ntakirutimana. On 21 May 2024, the Appeals Chamber granted his request for review in relation to one event. After receiving submissions from the parties in June 2024, the Appeals Chamber is presently assessing the scope and timing of the hearing, after which a further judgment will be pronounced.

C. Other judicial activities

46. In relation to the former Yugoslavia, the Mechanism regrets that there have been no developments in the contempt case against Petar Jojić and Vjerica Radeta, with Serbia purposefully refusing to arrest and surrender the accused. In the case of *Prosecutor v. Vojislav Šešelj et al.*, on 11 August 2023 a single judge confirmed an indictment submitted by the Prosecution against five people accused of contempt of the International Tribunal for the Former Yugoslavia and the Mechanism. On 29 February 2024, having considered submissions from Serbia, the Prosecution and the accused, the single judge ordered the case to be referred to Serbia for trial.

47. In relation to Rwanda, two possible contempt matters remain under consideration. In the first, resulting from the trial in the case of *Prosecutor v. Anselme Nzabonimpa et al.*, the amicus curiae, appointed on 25 October 2021, filed the report on his investigation on 13 March 2023 and, pursuant to judicial order, a supplement on 13 June 2023. On 2 April 2024, following an extensive briefing, the single judge issued a decision on the use of certain material that was provided in another case pursuant to rule 76 of the Rules, which may have a bearing on his decision as to whether or not to proceed to trial. At the end of the reporting period, the Appeals Chamber was seized of an appeal against the single judge's decision.

48. The second matter concerns the alleged submission of forged documents by François Ngirabatware in an attempt to access frozen assets linked to Mr. Kabuga. On 29 April 2024, the single judge decided to initiate proceedings against Mr. Ngirabatware. The referral of the case to a national jurisdiction is under consideration.

49. In relation to fugitives of the International Criminal Tribunal for Rwanda, on 19 March 2024, following a motion by the Prosecution, a single judge terminated the proceedings against Aloys Ndimbati before the Mechanism on account of his death.

50. As to the activities of single judges, 16 were assigned to applications arising at either branch. Those applications concerned assistance to national jurisdictions, access to confidential information, variation of protective measures, non bis in idem matters, allegations of contempt and false testimony, changes in the classification of filings, termination of proceedings due to death, requests for assistance and relocation

of acquitted or released persons. Collectively, 51 decisions and orders were issued by single judges during the reporting period. As at 30 June 2024, single judges were seized of nine pending matters.

51. In two separate decisions, the Appeals Chamber dismissed appeals by Ferdinand Nahimana on 7 August 2023 and Emmanuel Rukundo on 15 August 2023, in which they challenged decisions denying them additional financial support following their release from prison. At the end of the reporting period, the Appeals Chamber was seized of an appeal, filed by François-Xavier Nzuwonemeye against a decision denying his request for emergency medical evacuation from the Niger to the Kingdom of the Netherlands.

IV. Activities of the Office of the Prosecutor¹

A. Introduction

52. The Office of the Prosecutor successfully finalized two functions during the reporting period: (a) the expeditious completion of trials and appeals; and (b) locating and arresting the remaining fugitives indicted by the International Criminal Tribunal for Rwanda. The Office continued to focus on its remaining strategic priorities, assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda and effectively litigating mandated residual matters.

53. In the case of *Prosecutor v. Félicien Kabuga*, on 7 August 2023 the Appeals Chamber affirmed that Mr. Kabuga was not fit to stand trial and was very unlikely to regain fitness. The Appeals Chamber remanded the matter to the Trial Chamber, which, on 8 September 2023, stayed the trial proceedings indefinitely. This final case marks the conclusion of the Prosecutor's mandate to prosecute core crime trials and appeals transferred from the International Criminal Tribunal for Rwanda.

54. During the reporting period, the Office accounted for the final three remaining fugitives, which were the last fugitives of the International Criminal Tribunal for Rwanda remaining at large. From May 2020 to May 2024, the Office accounted for the whereabouts of all eight outstanding International Criminal Tribunal for Rwanda fugitives. The Office arrested two fugitives, Mr. Kabuga in Paris in May 2020 and Fulgence Kayishema in Paarl, South Africa, in May 2023. The Office further confirmed the deaths of another six fugitives, Augustin Bizimana, Protais Mpiranya, Phénéas Munyarugarama, Aloys Ndimbati, Charles Ryandikayo and Charles Sikubwabo. The Office is pleased that all fugitives of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia have been accounted for, and that this critical residual function has now been brought to a successful conclusion.

55. The Office continued to carry out its other mandated residual functions. In particular, the Office provided extensive support and assistance to national authorities investigating and prosecuting international crimes committed in Rwanda and the former Yugoslavia. As recognized by OIOS in its evaluation of the methods and work of the Mechanism, the Office delivered highly valued services to Member States investigating and prosecuting crimes committed during the conflicts in the former Yugoslavia and Rwanda, which Member States report had significant impact and contributed to important positive outcomes.

56. In managing its work, the Office is guided by the views and requests of the Security Council as set forth in, among other places, resolution [2256 \(2015\)](#),

¹ The present section reflects the views of the Prosecutor of the Mechanism.

resolution 2529 (2020) and resolution 2637 (2022). The Office continued to implement the “one office” policy to further streamline operations and reduce costs.

B. Trials and appeals

57. During the reporting period, the Office of the Prosecutor completed its trial work in the *Kabuga* case.

58. On 6 June 2023, the Trial Chamber found, by majority, that Mr. Kabuga was not fit to stand trial and decided to continue the proceedings with an alternative finding procedure. The Prosecution appealed the conclusion that Mr. Kabuga was not fit to stand trial, while the Defence appealed the decision to utilize an alternative finding procedure. On 7 August 2023, the Appeals Chamber issued its decision granting the Defence appeal and rejecting the Prosecution’s appeal. Accordingly, the Appeals Chamber upheld the finding that Mr. Kabuga was not fit to stand trial and remanded the matter to the Trial Chamber to impose an indefinite stay of proceedings. On 8 September 2023, the Trial Chamber issued its decision staying the proceedings indefinitely, effectively bringing the trial to an end.

59. While the Office accepts this outcome, it cannot be satisfied with it. Even more, the victims and survivors in Rwanda are bitterly disappointed that Mr. Kabuga will not face judgment for his alleged crimes, particularly because he was one of the world’s most wanted fugitives for more than two decades, during which he was harboured by his family and associates. This outcome underscores the decisive importance of efforts to account for fugitives and the need for cooperation from Member States in this regard. The Office is reviewing options to preserve and make publicly available the trial record and the evidence of Mr. Kabuga’s alleged crimes.

60. During the course of pre-trial and trial proceedings, the Prosecution presented the evidence of 24 witnesses, seven in The Hague, 12 in Arusha and 5 in Kigali. To expedite the proceedings, the Prosecution introduced 99 witnesses under rules 110, 111, 112 and 116 of the Rules of Procedure and Evidence, such that the Prosecution utilized only 12 hours of courtroom time for the presentation of its evidence, while the Defence utilized 40 hours in cross-examination. The Prosecution’s case is set out in its pre-trial brief, filed on 23 August 2021, which totals 537 pages and was accompanied by the Prosecution’s exhibit list of 3,259 pieces of evidence. From the arrest of Mr. Kabuga on 16 May 2020 until the imposition of the indefinite stay of the proceedings on 8 September 2023, the Prosecution made 121 filings on matters related to the case and responded to 30 filings by the Defence. In total, from the commencement of the trial, the Prosecution disclosed over 17,000 documents comprising around 336,000 pages.

61. This was the final case transferred by the International Criminal Tribunal for Rwanda to the Mechanism for trial, bringing to an end international prosecutions for the crimes committed during the 1994 genocide against the Tutsi in Rwanda. However, the Office will continue to support national prosecutors in Rwanda and countries around the world to achieve more justice for these crimes.

C. Fugitives

62. During the reporting period, the Office of the Prosecutor closed the final three remaining fugitives’ files, thereby completing this residual function. On 14 November 2023, the Office’s fugitive tracking team announced that it had confirmed the death of Aloys Ndimbati. On 15 May 2024, the Office announced that it had confirmed the deaths of Charles Ryandikayo and Charles Sikubwabo.

63. The Security Council entrusted the Office of the Prosecutor with the critical mandate to account for all remaining fugitives indicted by the International Criminal Tribunal for Rwanda. By achieving that mandate, the United Nations demonstrated that impunity for serious international crimes will not be tolerated. The Office remains grateful to the Security Council, the United Nations and the international community for their long-standing support for this critical work.

64. However, while all International Criminal Tribunal for Rwanda fugitives have now been accounted for, it is critical to note that there are still more than 1,000 fugitive *génocidaires* who are sought by national authorities. Locating them will be a challenge, as it was for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. At the request of national partners, including the Prosecutor General of Rwanda, the Office will continue to provide essential assistance to their efforts to bring these individuals to justice. This work cannot stop until all perpetrators of international crimes during the 1994 genocide against the Tutsi in Rwanda have been brought to justice.

D. Assistance to national jurisdictions

65. National prosecutions remain essential to achieving greater justice for the victims of war crimes, crimes against humanity and genocide committed in Rwanda and the former Yugoslavia. In line with the completion strategies of the ad hoc Tribunals, Security Council resolutions [1966 \(2010\)](#) and [2256 \(2015\)](#) and the statute of the Residual Mechanism, the Office of the Prosecutor is mandated to assist and support national prosecutions of those crimes. In the affected countries, the effective prosecution of the crimes committed is fundamental to building and sustaining the rule of law, establishing the truth of what occurred and promoting reconciliation. Third-party States are also undertaking prosecutions against suspects who are present in their territories for crimes committed in Rwanda and the former Yugoslavia.

66. While progress has been made at the national level in recent years, particularly with the Office's assistance, national prosecutors still face a large backlog of cases to process. There are more than 1,000 fugitive Rwandan *génocidaires* to be located and prosecuted. Likewise, thousands of war crime suspects throughout the countries of the former Yugoslavia remain to be prosecuted. The Office assists this work by responding to requests for access to evidence and information, requests for substantive legal, investigative and prosecutorial direct case assistance, including through the preparation and transfer of investigation dossiers, and requests for assistance in resolving strategic and/or cross-cutting issues affecting the accountability process, including the challenges of fugitives and international cooperation.

67. In its 2024 evaluation of the methods and work of the Mechanism, OIOS assessed the Office's execution of its mandate to assist Member States. As OIOS concluded, the Office prioritized its support to Member States and successfully delivered on its mandate. There has been significant growth in the number and complexity of requests submitted to the Office. OIOS further highlighted that the Office of the Prosecutor took steps to engage proactively with countries to meet their needs, including direct case assistance in the form of expertise and advice for domestic investigations and prosecutions, as well as the preparation and handover of dossiers of evidence on potential war crimes cases.

68. During the reporting period, the Office continued to provide national authorities with access to evidence and information in response to a high volume of requests. In relation to Rwanda, the Office received and processed 35 requests for evidence and information from nine Member States. Eleven requests for assistance were submitted by authorities in France, seven by the United Kingdom, six by the United States, four

by Belgium and one by Rwanda. In addition, the Office responded to 27 requests for direct case assistance from seven Member States. Fifteen requests were received from authorities in Rwanda, four from France, three from Norway, two from Eswatini and one each from the United Kingdom, Canada and Belgium. The Office also handed over to Canadian authorities an investigative dossier regarding one individual suspected of genocide, crimes against humanity and war crimes, and two investigative reports to the United Kingdom and Norway regarding two other suspects. In total, the Office handed over more than 3,000 documents comprising almost 100,000 pages of evidence, as well as 13 audiovisual records. In relation to the former Yugoslavia, the Office received 307 requests for evidence and information from seven Member States and four international organizations. A total of 235 requests for assistance were submitted by authorities in Bosnia and Herzegovina, 20 by Serbia, 15 by the United States, 2 by the Kingdom of the Netherlands and 1 by Montenegro. In total, the Office handed over 9,337 documents, comprising 360,000 pages, and 78 audiovisual records. In addition, the Office responded to 40 direct case assistance requests from four Member States, transferring 16 analytical reports, 2,755 documents and 70 audiovisual records. The Office also handed over one investigative dossier to Montenegro and one investigative dossier to Serbia, which together included 1,604 documents comprising more than 25,000 pages of evidence. Finally, the Office filed three submissions in relation to requests for variation of witness protective measures and three submissions in relation to confirmation of witness protective measures, while also facilitating contact with more than 20 witnesses by national authorities.

69. There has been a significant growth in recent years in requests for assistance received by the Office. The continued high volume of requests demonstrates the importance of the support provided by the Office to national prosecutions. It is also a positive sign of national commitments to achieve more justice for more victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda. The vital assistance that the Office provides, as it is mandated to do pursuant to article 28 (3) of the statute, helps national prosecutors to achieve better results and deliver justice at the local level.

V. Activities of the Registry

70. Pursuant to rule 31 of the Rules of Procedure and Evidence, the Registrar, under the authority of the President, is responsible for the administration and servicing of the Mechanism. Accordingly, the Registry continued to provide judicial support services, as well as other administrative, budgetary, legal, policy and diplomatic support for the operations of the Mechanism.

A. Budget, administration, staffing and facilities

71. By its resolution [78/249](#), the General Assembly decided to appropriate to the Special Account for the Mechanism a total amount of \$65,459,100 gross for 2024.

72. The 2024 budget reflects significant reductions in post and non-post resources and the realization of efficiency measures. The Mechanism implemented the decision of the General Assembly² regarding a reduction of \$150,000 in non-post resources and continues to actively limit its overall expenditure. The Mechanism is currently in the process of preparing its 2025 budget submission.

² In its resolution [78/249](#), the General Assembly endorsed the recommendations of the Advisory Committee on Administrative and Budgetary Questions to this effect (see [A/78/621](#) and [A/78/661](#)).

73. On 30 June 2024, the Mechanism had a total of 292 staff on continuous posts and in general temporary assistance positions: 121 at the Arusha branch, including the Kigali field office, and 171 at the branch at The Hague. The Mechanism's staff comprises nationals of 58 Member States. At the Professional level and above, 52 per cent are women and 48 per cent are men, consistent with the Secretary-General's gender parity goals. For General Service staff, the average percentage of female staff is lower. The Mechanism remains committed to achieving greater gender balance at all levels and equitable geographical representation, within its constraints as a downsizing institution.

74. Regarding the Arusha premises, with the support of the host State the Mechanism has continued to address a contractual dispute submitted by the general contractor. Furthermore, the engineering work necessary to resolve issues with the heating, ventilation and air-conditioning system in the archives building is expected to be completed shortly.

75. Concerning the premises at The Hague, in 2022 the host State asked the Mechanism to consider a permanent move to alternative premises, as the current building requires substantial refurbishment. The Mechanism and the host State are actively engaged in discussions on suitable alternative premises.

76. In addition, to further reduce the institution's organizational footprint, the Mechanism Principals decided to close the Kigali field office on 31 August 2024, with its liquidation to be concluded on 30 September 2024.

77. The Mechanism is deeply grateful to its host States, the Kingdom of the Netherlands and the United Republic of Tanzania, for their long-standing commitment and invaluable support.

B. Support for judicial activities

78. The Registry continued to provide support to the Mechanism's last core crimes proceedings and other residual judicial operations, as detailed below.

79. In particular, both branches supported trial proceedings in the *Kabuga* case. Following the Trial Chamber's decision imposing an indefinite stay of proceedings on 8 September 2023, the Registry supported residual judicial matters in the case, including status conferences as required by the Rules of Procedure and Evidence. In addition, it facilitated communications between the Defence and the relevant authorities of national jurisdictions where Mr. Kabuga is seeking to be provisionally released.

80. With regard to the *Šešelj et al.* contempt case, which was referred to Serbia following the single judge's decision of 29 February 2024, the Registry has been assisting the Prosecution with the transfer of certified records to the national authorities.

81. The Registry also continued to provide support by preparing for potential hearings at either branch of the Mechanism in relation to the relocated persons in the Niger and the *Ntakirutimana* review proceedings.

82. Moreover, following the single judge's decision of 29 April 2024 to initiate contempt proceedings against François Ngirabatware and the issuance of an order in lieu of indictment, the Registry has processed and distributed all filings related to the case and is preparing for any further proceedings while referral litigation is ongoing.

83. Lastly, the Registry provided support in post-conviction matters, including with regard to Franko Simatović's conditional early release and transfer to Serbia on 31 August 2023.

84. During the reporting period, the Judicial Records Unit processed 1,249 judicial filings, amounting to 14,497 pages. As at 30 June 2024, over 379,799 public judicial records were available through the unified court records database, which was accessed over 98,000 times during the reporting period.

85. The Language Support Services continued to provide translation and interpretation services for all Mechanism activities and recorded notable progress in the translation of judgments and other documents into and from English, French, Bosnian/Croatian/Serbian, Kinyarwanda and other languages, as required. Five appeal judgments of the International Criminal Tribunal for Rwanda were translated into Kinyarwanda. After translation of the appeal judgment in the *Stanišić and Simatović* case, no further judgments of the International Tribunal for the Former Yugoslavia remain to be translated into Bosnian/Croatian/Serbian. Similarly, no judgments of the International Criminal Tribunal for Rwanda remain to be translated into French, while one appeal judgment of the Mechanism and one of the International Tribunal for the Former Yugoslavia were translated into French. Finally, the judgment in the referred *Bucyibaruta* case was translated into English.

86. In addition, the Registry provided administrative assistance to an average of 63 remunerated and pro bono members of Defence, as well as amici curiae teams, comprising a total of approximately 88 team members.

87. Pursuant to article 15 (4) of the statute, and consistent with the Mechanism's commitment to efficiency, the Registry maintains rosters of qualified candidates to ensure that staff can be recruited expeditiously to react to changes in the workload.

C. Support for other mandated activities

1. Witness support and protection

88. Approximately 3,200 witnesses who appeared before the ad hoc Tribunals or the Mechanism currently benefit from protective measures.

89. The Witness Support and Protection Unit at both branches ensures that protective measures remain effective by undertaking threat assessments and coordinating responses to security-related requirements, including those pertaining to relocated witnesses. The Unit implemented 11 judicial orders regarding protected witnesses and other witness-related matters and provided comprehensive witness-related information to the President concerning four early release applications having an impact on 850 witnesses.

90. Both branches of the Unit are collaborating on the forthcoming review hearing in the *Ntakirutimana* case and preparing for any witness testimony.

91. The medical clinic at the Kigali field office continued to provide medical, nutritional and psychosocial assistance to over 500 witnesses, focused on those who are survivors of sexual or gender-based violence during the 1994 genocide against the Tutsi in Rwanda. With the forthcoming closure of the Kigali field office, the provision of those services will cease on 31 August 2024. The Registry is in the process of facilitating a seamless transfer of those services to the Government of Rwanda.

92. The branch at The Hague monitored the strategies implemented to ensure the ongoing support of witnesses following the closure of the Sarajevo field office. The strategies have proven effective, with witnesses having continued contact with staff of the Unit in The Hague, who have been able to address any issues in person during missions to the region. In addition, Registry experts have been exchanging information and experiences with their counterparts in the courts of Bosnia and Herzegovina, following the transfer of war crimes cases by the State Court of Bosnia

and Herzegovina to the regional and cantonal level, for local investigation and prosecution.

2. Detention facilities

93. As at 30 June 2024, the United Nations Detention Unit in The Hague housed five detainees: Mr. Kabuga, who remained detained pending the identification of a State for his release by his Defence team; Radislav Krstić and Stojan Župljanin, who were returned temporarily from enforcement States pending the finalization of arrangements for their transfer to other States where they will serve the remainder of their respective sentences; and two other convicted persons, Ratko Mladić and Jovica Stanišić, who were awaiting transfer to States for the enforcement of their sentences. In August 2023, Franko Simatović was granted conditional early release on account of compelling humanitarian reasons.

3. Enforcement of sentences

94. The Mechanism relies heavily on the cooperation of States for the enforcement of sentences. As at 30 June 2024, the Mechanism was overseeing the enforcement of the sentences of 41 individuals in 12 enforcement States. Four convicted persons were awaiting their transfer to enforcement States.

95. A total of 25 persons convicted by the International Criminal Tribunal for Rwanda were serving their sentences in 2 States, while 16 persons convicted by the International Tribunal for the Former Yugoslavia were serving their sentences in 10 States.

96. Subject to rule 128 of the Rules of Procedure and Evidence, which provides that the Security Council may designate another body to supervise the enforcement of sentences after the Mechanism legally ceases to exist, this function will continue until the last prison sentence is served.

97. The Mechanism strongly appreciates the assistance of the Member States where convicted persons are serving their sentences. Their support, and that of other potential enforcement States, will remain critical to the Mechanism's fulfilment of its mandate.

4. Assistance to national jurisdictions

98. During the reporting period, the Registry processed 48 requests for assistance by national authorities or parties to national proceedings, in connection with national proceedings related to the 1994 genocide against the Tutsi in Rwanda or the conflicts in the former Yugoslavia.³

5. Monitoring of referred cases

99. Pursuant to article 6 (5) of the statute, the Mechanism monitors cases referred to national jurisdictions. During the reporting period, the monitoring of the case against Ladislav Ntaganzwa, with pro bono assistance from the Kenyan section of the International Commission of Jurists, concluded. On 5 July 2023, the Supreme Court of Rwanda delivered its review judgment in the case, rejecting Mr. Ntaganzwa's application for review of the appeal judgment of 28 March 2023. Mr. Ntaganzwa is serving a life sentence in Rwanda.

100. Furthermore, the case against Laurent Bucyibaruta, referred to France, was monitored by a Mechanism staff member until the Mechanism President declared, on

³ For further information relating to assistance to national jurisdictions, see also sects. III.C and IV.D above.

5 February 2024, that monitoring of the case had concluded after Mr. Bucyibaruta's death.

101. The Registrar has appointed a staff member to monitor the case against Fulgence Kayishema. The monitoring function will start as soon as Mr. Kayishema is transferred to Rwanda.

102. Separately, the Mechanism is in the process of finalizing the monitoring arrangements for the contempt case against *Šešelj et al.*, following the 29 February 2024 decision to refer the case to Serbia.

6. Archives and records management

103. The Mechanism Archives and Records Section is currently managing approximately 4,400 linear metres of physical records and approximately 2.7 petabytes of digital records generated by the ad hoc Tribunals and the Mechanism.

104. The Section continued its preservation activities with the ingest of digital records into the digital preservation system. Thus far, 375.5 terabytes of digital records, including 290,768 files in a variety of formats, have been ingested. The Section also continued to preserve audiovisual recordings currently stored on obsolete physical media as well as those still in analogue form. Across the branches, a total of 4,088 physical audiovisual records were assessed to determine preservation needs, while 6,702 audiovisual recordings stored on analogue media were digitized. The branch at The Hague migrated 700 audiovisual exhibits and 602 recordings from the cases of the International Tribunal for the Former Yugoslavia and prepared them for preservation in the digital preservation system. Finally, 370 physical documents of that Tribunal, which were at risk of being lost, were also preserved.

105. The Section responded to 130 enquiries about, and requests for, access to the archives and continued work on developing a publicly accessible catalogue containing descriptions of these archives, which was officially launched in March 2024.⁴

106. Lastly, the Section continued its endeavours to identify extrabudgetary funding to expedite key projects on preserving and providing access to the archives.

107. In the context of the Registry's ongoing efforts to streamline operations, the Mechanism Archives and Records Section and the Registry's Judicial Records Unit merged in May 2024.

7. External relations and information-sharing

108. During the reporting period, the External Relations Office produced social media campaigns and online exhibitions, organized visits for more than 1,700 persons and facilitated public attendance at court hearings.

109. In order to further streamline activities, the Office was closed on 30 June 2024. Going forward, the remaining responsibilities will be absorbed by existing resources within the three organs.

110. At the branch at The Hague, the Information Programme for Affected Communities, supported by the European Union, continued to run educational workshops and projects in the former Yugoslavia on the legacy and archives of the ad hoc Tribunals and the Mechanism.

⁴ See <https://irm-apw.adlibhosting.com/search/simple>.

VI. Conclusion

111. Thanks to the tireless efforts of its judges and staff, the Mechanism has made remarkable progress on the mandate entrusted to it by the Security Council. With no active core crimes proceedings remaining and all fugitives accounted for, the Mechanism has successfully transitioned into the fully residual institution it was designed to be. While judicial and other essential activities continue, the Mechanism remains committed to winding down its operations in close collaboration with the Security Council and its Informal Working Group.

112. A key priority moving forward is the preservation of the invaluable legacy of the ad hoc Tribunals and the Mechanism. This entails not only ensuring access to their archives and jurisprudence, but also supporting national jurisdictions in the investigation and prosecution of crimes related to the conflicts in Rwanda and the former Yugoslavia. Moreover, the Mechanism will continue to share lessons learned and best practices, based on more than three decades of experience, and aspires to be a role model for other tribunals, particularly, at this stage, in demonstrating how to conclude operations in an efficient, transparent and just manner.

113. The Mechanism takes this opportunity to express its profound gratitude to all Member States that have supported its mission over the years and emphasizes that their continued backing is essential to complete its vital mandate.
