

**Security Council**

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**Letter dated 18 November 2024 from the President of the
International Residual Mechanism for Criminal Tribunals
addressed to the President of the Security Council**

I am pleased to submit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Residual Mechanism for Criminal Tribunals, pursuant to paragraph 16 of Security Council resolution [1966 \(2010\)](#).

I would be grateful if you could transmit the present letter and its annexes to the members of the Security Council.

(Signed) Graciela **Gatti Santana**
President



Annex I to the letter dated 18 November 2024 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council

[Original: English and French]

Assessment and progress report of the President of the International Residual Mechanism for Criminal Tribunals, Judge Graciela Gatti Santana, for the period from 16 May 2024 to 15 November 2024

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1. The present report, the twenty-fifth in a series, is submitted pursuant to Security Council resolution [1966 \(2010\)](#), by which the Council established the International Residual Mechanism for Criminal Tribunals.¹ The reporting requirement set out in paragraph 16 of that resolution is contained in article 32 (2) of the statute of the Mechanism (resolution [1966 \(2010\)](#), annex 1). The information contained in the report takes into account the parameters set out in paragraphs 13 and 14 of Council resolution [2740 \(2024\)](#), including the views and recommendations of the Council's Informal Working Group on International Tribunals. The report covers the progress made by the Mechanism during the period from 16 May to 15 November 2024.

I. Introduction

2. The Mechanism was created in 2010 to carry out a number of essential residual functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, which closed in 2015 and 2017, respectively. Its branch in Arusha, United Republic of Tanzania, commenced operations on 1 July 2012, assuming functions derived from the International Criminal Tribunal for Rwanda, while its branch in The Hague, Kingdom of the Netherlands, commenced operations on 1 July 2013, assuming functions derived from the International Tribunal for the Former Yugoslavia. The Mechanism has been a stand-alone institution since 1 January 2018.

3. While the Mechanism was established to operate as a small, temporary and efficient structure, whose functions and size would diminish over time, with a small number of staff commensurate with its reduced functions, the reality was quite different. The Mechanism inherited functions on an unprecedented scale, including the active caseloads of two tribunals operating on two different continents, as well as the continuous responsibilities that follow from charging over 250 individuals with international crimes. It became fully "residual" only in 2023 with the effective conclusion of its final trial and appeal proceedings in core crimes cases. Since then, the Mechanism has consolidated its posture as a truly residual institution, devoting its attention to the remaining mandated functions and planning for the future.

4. Pursuant to Security Council resolution [1966 \(2010\)](#), the Mechanism was established for an initial period of four years, and subsequently for periods of two years, following reviews of the progress of its work, unless the Council decided otherwise. The Council conducted its fifth such review earlier in 2024,² culminating in the adoption of resolution [2740 \(2024\)](#). By that resolution, the Council extended the Mechanism's mandate and reappointed the Prosecutor for another term of two years. Subsequently, the Secretary-General renewed the terms of office of the Mechanism's President, judges and Registrar.

5. The Mechanism is grateful for the ongoing support of the Security Council and the Informal Working Group on International Tribunals, as expressed through resolution [2740 \(2024\)](#), which will allow the Mechanism to continue fulfilling the crucial residual functions entrusted to it by the Council in 2010. The Mechanism observes that in the resolution the Council takes note of the work of the Mechanism in completing the tracking of all fugitives and in bringing the prosecutorial and judicial work on core crimes cases to a conclusion, as well as its efforts to eliminate

¹ Unless otherwise specified, figures set out in the present report are accurate as at 15 November 2024.

² See [S/PRST/2024/1](#). In connection with the review process, the Office of Internal Oversight Services (OIOS) undertook an evaluation of the methods and work of the Mechanism, issuing its report on 29 February 2024 ([S/2024/199](#)). The Mechanism submitted its fifth review report to the Security Council on 15 April 2024 ([S/2024/308](#), annex).

the duplication of functions among organs and undertake other streamlining, which have resulted in budgetary reductions. Moreover, the Mechanism is appreciative that the resolution again addresses issues brought to the Council's attention, including problems related to the relocation of acquitted persons and convicted persons who have completed serving their sentences, and the need for State support with the enforcement of sentences.

6. The Mechanism has paid very close attention to Security Council resolution [2740 \(2024\)](#) and has already started to implement the requests and recommendations set out therein. In particular, the Mechanism observes the sustained focus of the Council on the future of the Mechanism's operations, including with respect to providing completion timelines for all activities and options for the transfer of functions. In this context, it notes the Council's requests to the Secretary-General to present by 31 December 2025 an updated report on the administrative and budgetary aspects of the options for possible locations of the archives of the ad hoc Tribunals and the Mechanism, along with a report on options for the transfer of the functions of supervision of enforcement of sentences and the pardon or commutation of sentences, and assistance to national jurisdictions on prosecutions.

7. In response to Security Council resolution [2740 \(2024\)](#), the Mechanism has reconvened its cross-organ working group for the purpose of undertaking further intensive future planning, and stands ready to provide any information and support required in relation to the above-mentioned reports of the Secretary-General. It looks forward to being able to contribute additional inputs and options concerning the future of its functions for the Council's consideration in due course. In the meantime, the Mechanism will continue its dedicated efforts to streamline and reduce its operational requirements so as to more fully realize the Council's vision of a small, temporary and efficient institution.

8. Turning to its mandated judicial activities, the Mechanism made notable progress during the reporting period in a number of proceedings. In the case of *Prosecutor v. Félicien Kabuga*, the Trial Chamber continues to monitor Mr. Kabuga's health and take steps to identify a State willing to accept him for release, and to recover the funds expended for his legal aid. With regard to the case of *Prosecutor v. Gérard Ntakirutimana*, the Appeals Chamber authorized a review hearing to be held in the week of 18 November 2024 at the Mechanism's Arusha branch, with a limited scope and judgment anticipated to be pronounced expeditiously thereafter.

9. In a significant development relating to contempt of court, on 17 September 2024 a single judge referred the case concerning François Ngirabatware to the authorities of Belgium for trial, in line with the statute of the Mechanism. This is the second contempt case to be referred by the Mechanism to a national jurisdiction in 2024, following the referral of the case against Vojislav Šešelj and others to Serbia during the previous reporting period.

10. The Mechanism likewise continued to advance in its other residual functions, including supervising the enforcement of sentences, ensuring the continued protection of victims and witnesses, providing assistance to national jurisdictions, and managing the archives of the ad hoc Tribunals and the Mechanism. With regard to its monitoring of cases referred to national jurisdictions, the Mechanism appointed a monitor for the *Šešelj et al.* case during the reporting period and also made arrangements for monitoring the case against Fulgence Kayishema, previously referred to Rwanda.

11. Unfortunately, despite its best efforts, the Mechanism again encountered difficulties in securing the cooperation of Member States in certain areas. The predicament of the acquitted and released persons who were relocated to the Niger in December 2021 is a key example, with their situation remaining unresolved almost three years since the Niger's breach of its agreement with the United Nations.

Separately, Serbia once more continued to refuse to arrest and transfer the accused in the contempt case against Petar Jojić and Vjerica Radeta, in violation of its international obligations.

12. The Mechanism is nevertheless encouraged by the active cooperation and assistance of numerous other Member States and stakeholders, as well as the results of the fifth review of its progress of work. It takes this opportunity to express gratitude to those who continue to robustly support its vital mission, including the 11 States that currently enforce sentences imposed by the ad hoc Tribunals or the Mechanism. The Mechanism will once more be relying on such support in the coming period.

II. Organization of the mechanism

A. Organs and principals

13. The Mechanism consists of three organs: (a) the Chambers; (b) the Prosecutor; and (c) the Registry. The work of the Chambers and the Registry is discussed in the present annex, while annex II details the activities of the Office of the Prosecutor.

14. Each organ is led by a full-time principal who exercises responsibility over both Mechanism branches. The President is the institutional head and highest authority of the Mechanism and is responsible for the overall execution of its mandate, presiding over the Appeals Chamber, assigning judges to cases and carrying out other functions as specified in the statute and the Rules of Procedure and Evidence of the Mechanism.³ The Prosecutor is responsible for the investigation and prosecution of persons covered by article 1 of the statute, while the Registrar is responsible for the administration and servicing of the institution, under the authority of the President.

15. The President, Graciela Gatti Santana (Uruguay), is based in The Hague, while the Prosecutor, Serge Brammertz (Belgium), and the Registrar, Abubacarr M. Tambaou (Gambia), are based in Arusha.

16. Following the Security Council's fifth review process, Ms. Gatti Santana was reappointed as President of the Mechanism by the Secretary-General for a new two-year term, effective 1 July 2024. By its resolution [2740 \(2024\)](#), the Security Council reappointed Mr. Brammertz as Prosecutor for a period of two years commencing on 1 July 2024. Mr. Tambaou was reappointed by the Secretary-General as Registrar for another two-year term, effective on the same date. The current terms of all three principals run until 30 June 2026.

B. The branches

17. The Mechanism, with branches in The Hague, Kingdom of the Netherlands, and Arusha, United Republic of Tanzania, functions as a single, unified institution. The Mechanism continues to benefit from excellent cooperation with the Kingdom of the Netherlands and the United Republic of Tanzania and is grateful to both host States for their continued support and engagement in accordance with the respective headquarters agreements.

18. In The Hague, the Mechanism remains engaged with the host State in relation to identifying suitable premises. As part of its efforts to align with the Security Council's vision of a small, temporary institution, the Mechanism has relinquished its requirements to have a courtroom on site and its staff co-housed with the archives.

³ The Rules of Procedure and Evidence are available at www.irmct.org/en/documents/rules-procedure-and-evidence.

The Mechanism is exploring with the host State options for suitable premises that reflect these parameters. The Mechanism continued to accommodate staff of the Residual Special Court for Sierra Leone at its branch premises at The Hague.

19. In Arusha, the Mechanism's Lakilaki premises are situated on land made available by the United Republic of Tanzania. The premises also provide public access to the Mechanism's well-resourced library on international law, which features, in particular, materials on international humanitarian law and international criminal justice. The Mechanism continued to accommodate three staff members of the World Food Programme at its Arusha branch premises.

20. During the first part of the reporting period, the Kigali field office continued to support the mandate of the Mechanism, including by implementing judicial protection orders. As previously reported, a decision was taken by the principals to close the Kigali field office in 2024 to further reduce the Mechanism's operational footprint. As detailed in paragraph 101 below, Mechanism staff worked collaboratively with the authorities of Rwanda to ensure the smooth handover to the Government of Rwanda of the medical services and psychosocial support provided by the Kigali field office to victims and witnesses. On 31 August 2024, the Kigali field office ceased its activities, and the liquidation exercise was completed on 18 October 2024.

III. President and Chambers

A. President

21. During the reporting period, the President of the Mechanism again led the institution with a view to fulfilling the three main priorities of her presidency.

22. Following the Security Council's fifth review of the progress of work of the Mechanism, the President adapted her first priority. Previously, this had been to present the Council with a framework of operations to complete the functions of the Mechanism's during its new residual phase, a goal that was realized when the President shared with the Informal Working Group on International Tribunals a draft of the framework in December 2023, ahead of the review process, and a revised version of the framework in April 2024.

23. The President's first priority is now to continue to evaluate the work and operations of the Mechanism as a truly residual institution, in order to ensure alignment with the Security Council's vision of the Mechanism as a small, temporary and efficient structure. This priority reflects the focus of the Council in its resolution [2740 \(2024\)](#) on the substantially reduced nature of the residual functions following the conclusion of all core crimes cases and the tracking of fugitives and the need for the Mechanism to complete its remaining functions expeditiously, and highlights that the Mechanism will stay responsive as it keeps working towards this objective. In furtherance of this priority, and at the initiative of the President, the Mechanism's cross-organ working group was reconvened. One of the primary aims of the working group is to consider and undertake strategic planning for the future operations of the Mechanism, including with respect to reducing its resource requirements.

24. As previously reported, the President's second key priority is to promote effective leadership and good governance in the performance of mandated functions and residual activities. The ongoing relevance of this priority is self-evident during a time when downsizing and budget constraints require that more be done with less, when difficult choices have to be made, and when Mechanism staff bear the brunt of ongoing reductions in resources. Transparency, accountability and fairness will indeed remain essential as the President and other principals guide the Mechanism

through this new phase in its lifespan and actively plan for the years ahead. To this end, the President has encouraged further close collaboration between the three principals and senior management on cross-cutting institutional matters. In addition, she again worked closely with the Registrar in relation to streamlining operations and minimizing redundancies in areas where both principals are involved, such as the supervision of the enforcement of sentences and managing external relations.

25. The President's third main priority, as previously reported, is to continue consolidating the legacy of the ad hoc Tribunals and the Mechanism, working closely with all main stakeholders. Against a backdrop of growing nationalism and the disturbing rise in genocide denial, revisionism and glorification of war criminals, this priority remains of critical importance. Ensuring that the public judicial records of the Mechanism and its predecessors are widely available and easily accessible, including through the Mechanism's website, public databases and library, is a crucial part of combating such divisive phenomena. Likewise, educational initiatives such as those undertaken by the Mechanism's Information Programme for Affected Communities, funded by the European Union, can have a powerful impact on both students and teachers that ripples outwards into broader society. The President continued to support and promote these activities wherever possible during the reporting period. In addition, she remained committed to advancing, where feasible, the Mechanism's facilitation of the establishment of information centres in line with Security Council resolution 1966 (2010) and raised this possibility in relevant bilateral meetings.

26. The President worked closely with the other principals to advance these priorities and other matters of institutional importance, including through regular meetings of the Coordination Council, which is composed of the President, the Prosecutor and the Registrar. During the reporting period, three meetings of the Coordination Council were held, as well as other meetings and communications between the principals on topics involving inter-organ planning and coordination. In this context, the President and the Registrar also held regular management meetings to discuss areas of shared responsibility. The President also met with the new leadership of the Staff Union to stay apprised of staff concerns. Separately, in line with pledges made in her capacity as a member of the International Gender Champions network, she supported and participated in training on the prevention of sexual harassment, sexual exploitation and sexual abuse run by the Mechanism's focal points for gender.

27. Turning to her representational role and external engagement, in June 2024 the President presented the Mechanism's fifth review report and twenty-fourth progress report to the Security Council. On that occasion, she also briefed the Informal Working Group on International Tribunals, held bilateral meetings with numerous representatives of Member States and met with high-level Secretariat officials. Subsequently, the President addressed the General Assembly in October 2024 to present the Mechanism's twelfth annual report. While in New York, she again took the opportunity to meet with representatives of Member States and high-level officials of the United Nations, as well as the President of the seventy-ninth session of the General Assembly.

28. The President also participated in a number of events directly related to the work of the Mechanism and its predecessors to further consolidate their important legacy, particularly for victims, practitioners and young people in the affected communities. In late May 2024, she took part in an international conference held in Prijedor and Sarajevo on the detention camps in Bosnia and Herzegovina during the conflicts of the 1990s, the first conference to be entirely dedicated to this important subject. In June 2024, the President was honoured to address a group of judges and staff from the judiciary in Rwanda as part of an exchange on the Mechanism's judicial working

methods. In July 2024, the President participated in the twenty-ninth commemoration of the Srebrenica genocide, which was the first time that the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica was marked, following the adoption of resolution [78/282](#) by the General Assembly on 23 May 2024. In September 2024, the President addressed visitors to the Mechanism's premises in The Hague as part of Just Peace Open Day, organized by the City of The Hague. Finally, in November 2024, the President engaged with students from across the former Yugoslavia when she delivered the opening lecture for the sixth cycle of a video lecture series run by the Mechanism's Information Programme for Affected Communities.

B. Judges

29. Article 8 (1) of the statute of the Mechanism provides that the Mechanism has a roster of 25 independent judges. According to article 8 (3) of the statute, the judges are to be present at the seat of the Mechanism's branches only when necessary, as requested by the President, and will otherwise carry out their functions remotely. In line with article 8 (4) of the statute, judges of the Mechanism are not remunerated for being on the judicial roster but receive compensation only for the days on which they exercise their functions.

30. The current judicial roster of the Mechanism 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 M. M. Orié (Kingdom of the 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 (Zimbabwe/Gambia), 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).

31. The President continued to assign on an alternating basis Judges Masanche, Sekule and Joensen as the duty judge at the Mechanism's Arusha branch. As previously reported, the decision to assign judges who are resident in the United Republic of Tanzania maximizes efficiency, and their assignment is remunerated only to the extent that they are authorized by the President to exercise functions in this capacity.

32. During the reporting period, the pro bono working group of judges that was set up after the in-person plenary of judges in Arusha in February 2024 continued to analyse proposed amendments to rules 84, 97 and 125 of the Rules of Procedure and Evidence and their implications. The working group will report on its assessment of these proposals in time for the next plenary of judges, in 2025, which will be a virtual event.

33. The Mechanism also takes the opportunity to highlight an update concerning the case of a former Judge of the Mechanism, Aydin Sefa Akay, before the European Court of Human Rights. As detailed in the Mechanism's previous six-monthly report ([S/2024/392](#)), on 23 April 2024 the European Court of Human Rights issued its judgment in relation to the diplomatic immunity of Judge Akay, who had been arrested

in 2016 for alleged conduct connected to acts directed against the constitutional order of Türkiye (then Turkey). In its judgment, the Court affirmed that the independence of international judges and courts is a *conditio sine qua non* for the proper administration of justice and that there is a direct link between this independence and the immunities afforded to international judges. The Court further concluded that Judge Akay enjoyed full diplomatic immunity for the duration of his term of office when engaged on the business of the Mechanism, including when, in accordance with the Mechanism's legal framework, working remotely in his State of nationality.⁴ On 23 September 2024, the Court issued a decision denying the request of Türkiye to refer the case to the Grand Chamber,⁵ thereby making the judgment of 23 April 2024 final and concluding this matter.

C. Judicial activities

34. During the reporting period, the President and judges of the Mechanism issued a total of 87 decisions and orders. Of these, 59 (or approximately 7 in 10) related to the Mechanism's continuous judicial functions, including matters pertaining to the protection of victims and witnesses, assistance to national jurisdictions, the enforcement of sentences, the investigation of allegations of contempt and the referral of contempt proceedings, as well as the management of the work of Chambers, rather than to the adjudication of the core crimes incorporated in the statute.

35. The leadership of the Chambers Legal Support Section, which supports the judges in their work, continued to employ streamlined working methods and processes, in collaboration with other sections of the Mechanism, and to draw on resources at both branches to address the judicial workload wherever arising.

36. In addition to supporting the judges with their judicial work, the Chambers Legal Support Section maintains the Mechanism's Case Law Database, which provides the public with direct access to extracts and full-text versions of key judgments and decisions rendered by the Appeals Chambers of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Mechanism. During the reporting period, the Section continued in its efforts to ensure that the Case Law Database was up to date and to make this valuable resource accessible to researchers, practitioners and judges as part of the assistance provided to national jurisdictions. Furthermore, in June 2024, representatives of the Section participated in an in-person exchange with judges and staff of the judiciary of Rwanda to discuss the Mechanism's judicial working methods. In accordance with the recommendation of the Office of Internal Oversight Services (OIOS) that the Mechanism enhance its client orientation (S/2024/199, para. 46), a survey on the event was undertaken to assist in developing learning tools and ensuring the effectiveness of further engagements with relevant stakeholders.

1. Proceedings related to core crimes

37. With respect to the core crimes incorporated in the statute of the Mechanism, the judges, whose individual legal backgrounds are roughly evenly split between civil and common law, worked primarily on ongoing matters in one trial case, in which proceedings are indefinitely stayed, and on one request for review from final judgment during the reporting period.

⁴ *Aydin Sefa Akay v. Türkiye*, Application No. 59/17, Judgment, 23 April 2024, paras. 113, 121-122, 125 and 142.

⁵ See European Court of Human Rights, press release ECHR 221 (2024), available at <https://hudoc.echr.coe.int/eng-press?i=003-8044081-11238259>.

(a) Trial proceedings

38. The trial proceedings in the *Kabuga* case remain indefinitely stayed, following the Trial Chamber's order of 8 September 2023. During the reporting period, the Trial Chamber focused on matters relating to monitoring Mr. Kabuga's health and consideration of his possible release, and issued a confidential order for the recovery of legal aid funds expended in connection with his defence in light of the Registrar's October 2023 conditional determination that Mr. Kabuga was not indigent. The Trial Chamber held a status conference on 24 July 2024 to discuss these issues and to enquire into Mr. Kabuga's current conditions of detention. The Trial Chamber is presently considering preliminary submissions in relation to whether, in view of Mr. Kabuga's health situation, Rwanda can be considered as a possible destination for provisional release. The next status conference in this case has been scheduled for 11 December 2024.

39. The Trial Chamber, composed of Judges Bonomy, presiding, El Baaj and deGuzman, continues to work remotely and its judges are being remunerated only on a limited basis each month. Status conferences, which are required to be held within 120 days of the preceding conference, are conducted in person by the presiding judge, with the other members of the bench participating by videoconference link.

(b) Review proceedings

40. Under article 24 of the statute, a convicted person has the right to request a review of a final judgment issued by the ad hoc Tribunals or the Mechanism. Review proceedings require a threshold determination by the Appeals Chamber of whether the applicant has identified a new fact that was unknown during the original proceedings, which, if established, would have been a decisive factor in reaching the verdict. If the threshold is met, a review of the judgment is authorized, further proceedings may be held, and a review judgment is issued. Review is an extraordinary remedy, and while it has seldom been granted, a convicted person's ability and right to seek review remains an essential fair trial guarantee enshrined in the statute of the Mechanism.

41. In the *Ntakirutimana* case, the Appeals Chamber, composed of Judges Gatti Santana, presiding, Antonetti, Hall, N'gum and Park, granted a request for review by Mr. Gérard Ntakirutimana against his convictions for genocide and crimes against humanity entered by the International Criminal Tribunal for Rwanda. In its decision of 21 May 2024, the Appeals Chamber: (a) found that Witness HH's purported recantations of his testimony following the rendering of the appeal judgment constituted a new fact and granted, in part, Mr. Ntakirutimana's request for review with respect to Witness HH's evidence as it pertained to the events at Gitwe Hill, near Gitwe Primary School; (b) dismissed as a new fact Witness GG's purported materially inconsistent evidence provided in domestic proceedings; (c) dismissed as a new fact the purported collusion between Prosecution witnesses to falsely incriminate Mr. Ntakirutimana; and (d) decided, Judge Hall dissenting, that a review hearing would be held.

42. On 18 September 2024, the Appeals Chamber dismissed a request for reconsideration of this decision, Judges Antonetti and Park dissenting, and scheduled a review hearing for the week of 18 November 2024. Given the limited scope of the review, judgment is anticipated to be pronounced expeditiously after the review hearing.

(c) Proceedings related to fugitives

43. As previously reported, on 24 May 2023 Mr. Fulgence Kayishema, who was indicted by the International Criminal Tribunal for Rwanda in 2001 and whose case was referred for trial in Rwanda in February 2012, was arrested in South Africa. To date, he continues to be subject to domestic criminal proceedings there, which have recently been further delayed. Once these proceedings have concluded, it is expected that Mr. Kayishema will be transferred first to Arusha, on a temporary basis, and thereafter to Rwanda, where he will be tried. On 11 October 2024, Mr. Kayishema filed a notice of his intention to seek revocation of the referral of his case to Rwanda. Once filed, any such request for revocation will be assigned by the President to a trial chamber.

2. Continuous judicial activities

44. Even after all cases related to core crimes have been disposed of, the Mechanism remains responsible for several other discrete, yet crucial and ongoing, judicial functions. Many of the matters the Mechanism retains jurisdiction over, however, are not the subject of frequent or regular litigation. Furthermore, the resources required to adjudicate continuous functions are far fewer than the resource requirements for core crimes trials and appeals. One key component of this is the Mechanism's reliance on a remote system of judges, who, as mentioned above, are remunerated only based on the number of days utilized to complete an assignment and which have been authorized by the President in advance.

(a) Judicial activity of the President

45. The President's continuous judicial responsibilities relate mainly to the supervision of the enforcement of sentences and judicial review of administrative decisions. The President is also mandated to assign judges to cases.

46. During the reporting period, the President issued a total of 36 decisions and orders. These included 17 decisions and orders relating to enforcement matters, three decisions on review of administrative decisions, and 13 orders relating to the assignment of judges. Of the latter, seven orders pertained to witness protection matters falling under rule 86 of the Rules of Procedure and Evidence.

47. In connection with the enforcement of sentences, the President issued decisions on four applications for early release.⁶ In addition, the President issued one confidential order designating the State in which a convicted person is to serve the remainder of his sentence. Three new applications for early release were filed during the reporting period and the President is currently seized of six pending applications.

48. Aside from enforcement-related judicial activity, the President dealt with a diverse range of other substantive matters during the reporting period. Given her supervisory role in respect of all detainees held by the Mechanism at the United Nations Detention Unit, for example, the President was seized of a request by Mr. Félicien Kabuga to modify his conditions of detention. The President denied this request in a decision issued on 29 October 2024, finding that, in the circumstances,

⁶ *Prosecutor v. Sredoje Lukić*, Case No. MICT-13-52-ES.2, Decision on the Application for Early Release of Sredoje Lukić, 17 October 2024 (public redacted version); *Prosecutor v. Matthieu Ngirumpatse*, Case No. MICT-14-73-ES.2, Decision on the Application for Commutation of Sentence or Early Release of Matthieu Ngirumpatse, 9 October 2024 (public redacted version); *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on the Application for Early Release of Dragoljub Kunarac, 22 July 2024; *Prosecutor v. Dominique Ntawukulilyayo*, Case No. MICT-13-34-ES, Decision on the Application for Early Release of Dominique Ntawukulilyayo, 15 July 2024 (public redacted version).

Mr. Kabuga had failed to demonstrate that his current conditions of detention imperatively demanded detention at a location other than the Unit.⁷

49. The President also dealt with a request by Mr. Fulgence Kayishema to schedule a status conference or a hearing at the Arusha branch of the Mechanism. In her decision issued on 29 October 2024, the President dismissed the motion, finding that Mr. Kayishema had not substantiated the requested relief.⁸

50. With regard to the acquitted and released persons relocated to the Niger, the President issued two decisions. Notably, on 27 May 2024, the President adjudicated a request by one of the relocated persons, joined by another, for a status conference to be convened so that progress made towards finding a relocation State could be discussed. The President emphasized therein that the Registrar was leading the Mechanism's efforts to find a durable solution for the relocated persons, finding that she was not convinced that her supervisory role demanded that she order a judicial hearing. The President nevertheless encouraged the Registrar to organize a meeting where Counsel for the relocated persons could communicate any views to the Registrar or his designated representative.⁹

51. Finally, in her role as presiding judge of the Appeals Chamber, the President issued six decisions and one order in ongoing proceedings.

(b) Judicial activities of single judges/benches

52. Other continuous judicial functions for which the Mechanism retains responsibility include the adjudication of applications for information on or the rescission, variation or augmentation of protective measures, as provided for in rule 86 of the Rules of Procedure and Evidence; requests for the assistance of the Mechanism in obtaining testimony of a person under the Mechanism's authority, in line with rule 87 of the Rules; issues pertaining to the *non bis in idem* principle, as enshrined in article 7 of the statute and rule 16 of the Rules; submissions seeking the reclassification of judicial filings for reasons of transparency or, conversely, reasons of security; the determination of various matters arising from contempt investigations and cases, including referral to national authorities in accordance with article 6 (2) of the statute; and financial assistance and relocation of acquitted and released persons. Notwithstanding the scope of matters that fall within the Mechanism's ongoing jurisdiction, the summary of activity below reflects that many are not the subject of regular litigation.

53. On average, the Chambers adjudicate 20 to 30 applications pursuant to rule 86 of the Rules a year. During the reporting period, 11 orders and decisions were issued concerning applications for information on or the rescission, variation or augmentation of protective measures. All were issued by single judges. In doing so, the Mechanism discharged its residual functions in relation to both the protection of victims and witnesses, in line with article 20 of the statute, and responding to requests for assistance from national authorities, as set out in article 28 (3) of the statute.

54. Turning to contempt-related judicial activity, the continued protection of victims and witnesses and the effective administration of justice require judicial oversight to sanction any violation of orders of the ad hoc Tribunals or the Mechanism. The Mechanism remained seized of a number of matters pertaining to allegations of

⁷ *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-T, Decision on Félicien Kabuga's Application for Modification of Conditions of Detention, 29 October 2024.

⁸ *Prosecutor v. Fulgence Kayishema*, Case No. MICT-12-23-PT, Decision on Request for Status Conference, 29 October 2024.

⁹ *In the Matter of François-Xavier Nzuwonemeye et al.*, Case No. MICT-22-124, Decision on Motion for Status Conference, 27 May 2024.

contempt during the reporting period, in accordance with article 1 (4)(a) of the statute. There are no active matters concerning possible false testimony as provided for by article 1 (4)(b) of the statute. Pursuant to the statute, before proceeding to try any person alleged to be responsible for contempt or false testimony, the Mechanism shall consider referring the case to the authorities of a State and such a consideration is to take into account the interests of justice and expediency.

55. The Mechanism is, once more, unable to report on any positive developments in the *Jojić and Radeta* case. Serbia persists in its refusal to execute arrest warrants and orders for the transfer of the accused, despite its obligation to cooperate with the Mechanism and the multiple referrals of the situation to the Security Council by the International Tribunal for the Former Yugoslavia and the Mechanism.

56. In relation to a possible contempt matter that came to light during the trial in the case of *Prosecutor v. Anselme Nzabonimpa et al.*, the single judge is in the final stages of considering whether or not to initiate contempt proceedings following clarity from the Appeals Chamber on what material may be used in any future trial, if ordered. Specifically, and following the submission of the Mechanism's last progress report in May 2024, the Appeals Chamber, on 17 July 2024, reversed an earlier decision by the single judge, which had found that certain material, which was provided by an individual in another case pursuant to rule 76 of the Rules of Procedure and Evidence, could be used in further criminal proceedings against that individual only with his consent. The Appeals Chamber remanded the matter to the single judge for his further consideration. If a decision is taken to proceed to trial, a single judge will first need to consider whether it is appropriate to refer the case to a national jurisdiction.

57. In relation to the *François Ngirabatware* case, a single judge issued an order in lieu of indictment on 29 April 2024, charging Mr. Ngirabatware with contempt of the Mechanism pursuant to article 1 (4) of the statute and rule 90 (A) of the Rules of Procedure and Evidence. On 17 September 2024, the single judge referred the case to the authorities of Belgium for trial, in accordance with article 6 (2) of the statute.¹⁰

58. With respect to other judicial activity undertaken by single judges of the Mechanism, on 29 August 2024, a single judge issued an order authorizing the Registrar to disclose certain confidential information to the Rwandan authorities in relation to several hundred protected witnesses in view of the closure of the Kigali field office.¹¹ The order was issued so that the Rwandan authorities could take over the provision of medical and psychosocial services previously provided by the Mechanism.

59. Finally, the situation of the acquitted and released persons relocated to the Niger again gave rise to extensive litigation before single judges of the Mechanism, with two decisions and one order having been issued. As a notable example, on 24 July 2024, a single judge invited the Registrar to make a preliminary inquiry with Rwanda on relevant arrangements that could be made to secure the return of the relocated persons to Rwanda with appropriate guarantees of safety.¹²

¹⁰ *In the Matter of François Ngirabatware*, Case No. MICT-24-131-I, Decision on the Suitability of Referral of the Case, 17 September 2024.

¹¹ Case No. MICT-24-132-Misc.2, Decision on Request for Partial Variation of Protective Measures in Relation to the Closure of the Kigali Field Office, 29 August 2024.

¹² *In the Matter of François-Xavier Nzuwonemeye et al.*, Case No. MICT-22-124, Order to Show Cause, 24 July 2024.

IV. Future planning

60. During the reporting period, the Mechanism continued to focus on the future of its operations.

61. The Mechanism recalls that, to assist the Security Council during its fifth review of the Mechanism's progress of work, the President had presented to the Council's Informal Working Group on International Tribunals a comprehensive framework of operations to complete its functions. This document specified the expected completion dates for the Mechanism's activities, as well as diverse scenarios that anticipated future developments and an analysis of the feasibility of transferring the Mechanism's functions to other institutions or jurisdictions. The framework was provided in draft format in December 2023, ahead of the review process, and in revised format in April 2024, reflecting inputs received from members of the Informal Working Group, as well as other changes. Further questions from the Informal Working Group related to the framework were addressed by the Mechanism in writing on 13 May 2024 and through a follow-up meeting with the principals on 15 May 2024.

62. In June 2024, the Security Council, in resolution [2740 \(2024\)](#), took note of the information submitted by the Mechanism to the Informal Working Group on scenarios and projections for the completion of the remaining residual functions and the possible transfer of the Mechanism's activities. The resolution requested the Secretary-General, by the end of 2025, 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 functions of supervision of the enforcement of sentences and the pardon and commutation of sentences under articles 25 (2) and 26 of the statute, as well as assistance to national jurisdictions on prosecutions pursuant to article 28 (3) of the statute.

63. The Mechanism understands the Security Council's focus on these three residual functions as a directive to further investigate concrete measures in this regard. In response, the President of the Mechanism revived the cross-organ working group that was previously tasked with developing the Mechanism's scenario-based workforce planning and the above-mentioned framework of operations to complete its functions. Composed of senior managers from all three organs and across both branches, the group is actively working to: (a) ensure that the Mechanism can provide any information and support required by the Secretary-General in preparing the reports mandated by the Council in resolution [2740 \(2024\)](#); and (b) provide strategic advice on the Mechanism's future planning to ensure its continued alignment with the Council's vision of a small, temporary and efficient structure, whose functions and size will diminish over time.

64. Alongside its efforts to prepare for the future, the Mechanism remains committed to further downsizing and streamlining operations where feasible. This is demonstrated by a number of measures taken during the reporting period, including the closure of the Kigali field office, as mentioned above, as well as the outsourcing of additional administrative activities, such as security services in The Hague. Separately, as indicated in the Mechanism's previous report, the External Relations Office was closed at the end of June 2024. Since then, each organ has utilized its existing resources to perform external relations tasks and procedures for efficient inter-organ collaboration on related matters have been developed by a dedicated working group.

65. Moreover, with regard to the enforcement of sentences portfolio, the President and Registrar continued to work closely together, implementing restructuring changes aimed at increasing the efficiency of internal processes and enhancing communications with enforcement States, independent inspection bodies and

convicted persons and their representatives. In this context, the President issued a revised Practice Direction on 1 July 2024, adapting the necessary legal framework.¹³

66. The Mechanism will continue to proactively look for ways in which to optimize its structure and work processes as a truly residual institution.

V. Assistance to national jurisdictions

67. The Mechanism responds to requests for assistance from national authorities in relation to the investigation, prosecution and trial of those responsible for serious violations of international humanitarian law in Rwanda and the countries of the former Yugoslavia, pursuant to article 28 (3) of the statute.

68. During the reporting period, the Mechanism continued to receive and process requests from national authorities for access to certified copies of judicial records of the Mechanism and the ad hoc Tribunals, as well as requests pursuant to rule 86 of the Rules of Procedure and Evidence. Rule 86 provides for variation of protective measures granted to witnesses who testified in cases before the ad hoc Tribunals or the Mechanism.

69. Unless specified otherwise in the original decision granting the protective measures, such measures remain in force until a subsequent judicial decision to rescind, vary or augment them is issued. Similarly, judicial records marked as confidential will remain inaccessible to national jurisdictions and the public until otherwise determined by a judicial decision. Hence, the handling of requests for assistance pursuant to these rules will continue for the foreseeable future as domestic prosecutions seek to close the impunity gap.

70. During the reporting period, the Registry processed 32 requests for assistance from national authorities or parties to domestic proceedings, predominantly in relation to proceedings concerning the conflicts in the former Yugoslavia, and provided 900 documents. In June 2024, the Registry also issued a guide on submitting requests for assistance addressed to or through the Registry, which is available on the website of the Mechanism.¹⁴

71. Furthermore, similar to assistance previously provided to Serbia, the Registry is providing Bosnia and Herzegovina with certified copies of all trial and appeal judgments issued by the International Tribunal for the Former Yugoslavia and the Mechanism, together with summaries of convictions. This is pursuant to the memorandum of cooperation that the Mechanism concluded with Bosnia and Herzegovina on 30 January 2024, to facilitate the registration of convictions of citizens of Bosnia and Herzegovina rendered by the International Tribunal for the Former Yugoslavia and the Mechanism in the domestic criminal records of Bosnia and Herzegovina.

72. As noted above, the Chambers issued 11 orders and decisions in relation to applications pursuant to rule 86 of the Rules of Procedure and Evidence (see para. 53 above). In addition, as part of its in-person exchange with judges and staff of the judiciary of Rwanda in June 2024, the Chambers Legal Support Section provided information and training on the requisite procedures for requesting access to confidential material managed by the Mechanism and for seeking the continuation, rescission, variation or augmentation of protective measures.

¹³ Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism, MICT/3/Rev.4, 1 July 2024.

¹⁴ See <https://www.irmct.org/en/documents>.

73. The assistance provided to national jurisdictions by the Prosecution is detailed in annex II.

74. The provision of assistance to national jurisdictions on prosecutions is part of the mandate of the Mechanism. The Security Council, in its resolution 2740 (2024), requested the Secretary-General to assess that function and provide related options for its transfer in a report due by 31 December 2025. As a result, the Mechanism is mindful that the potential transfer of this function is of particular interest to the Council and stands ready to provide any information and support required in relation to the report of the Secretary-General on this matter. In the meantime, the Mechanism will continue to conscientiously discharge its mandated responsibilities in connection with this function.

VI. Cases referred to national jurisdictions

75. The Mechanism is responsible for monitoring cases referred to national courts by the ad hoc Tribunals and the Mechanism, with the assistance of international and regional organizations and bodies, pursuant to article 6 (5) of the statute.

76. In accordance with this obligation, the Mechanism is actively monitoring one case and is expected to monitor two other cases referred to national jurisdictions, as described below.

77. On 9 October 2024, the Registrar appointed a Mechanism staff member to monitor the *Šešelj et al.* case with immediate effect.¹⁵ This case was referred to Serbia by order of a single judge issued on 29 February 2024. The monitor undertook his first mission to Serbia from 5 to 8 November 2024. During the mission, the Mechanism delegation met with Serbian authorities to introduce the monitor and establish a collaboration framework for the monitoring of the case.

78. In relation to the *Kayishema* case, which was referred to Rwanda in February 2012, the monitoring function will start as soon as Mr. Fulgence Kayishema is transferred to Rwanda. During the reporting period, the Mechanism appointed a staff member to monitor this case within existing resources.¹⁶

79. With regard to the *François Ngirabatware* case, which was referred to Belgium by order of a single judge issued on 17 September 2024 (see para. 57 above), the Mechanism is in the process of establishing an appropriate and effective monitoring mechanism.

80. The Mechanism's monitoring responsibilities are expected to continue for the duration of these cases, relying principally on existing staff resources.

VII. Enforcement of sentences

81. Pursuant to article 25 of the statute, the Mechanism continues to supervise the enforcement of sentences pronounced by the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda or the Mechanism. Sentences are served within the territory of States that have concluded enforcement of sentence agreements with the United Nations.

¹⁵ *In the Matter of Vojislav Šešelj et al.*, Case No. MICT-23-129-I, Order Appointing a Monitor, 9 October 2024.

¹⁶ *In the Matter of Fulgence Kayishema*, Case No. MICT-12-23-PT, Order Appointing a Monitor, 17 July 2024.

82. In accordance with article 25 of the statute, rule 127 of the Rules of Procedure and Evidence and the relevant Practice Direction,¹⁷ following the delivery of a final judgment, the President designates the State in which a convicted person is to serve his or her sentence. While there is no stipulated time limit, rule 127 (B) of the Rules provides that the transfer of the convicted person to an enforcement State shall be effected as soon as possible. The Registrar provides information to assist the President in designating an enforcement State and the President can make any other relevant enquiries.

83. The President's supervisory powers with regard to the enforcement of sentences and related issues include dealing with complaints on conditions of imprisonment and requests for transfer, interacting with monitoring bodies tasked with inspecting conditions of imprisonment and, for the most part, adjudicating applications pertaining to early release, pardon or commutation of sentence. In the latter respect, the President has the power to grant pardon or commutation of sentence to persons convicted by the ad hoc Tribunals or the Mechanism in accordance with article 26 of the statute. While article 26, like the corresponding provisions in the statutes of the ad hoc Tribunals, does not specifically mention applications for early release of convicted persons, the Rules of Procedure and Evidence reflect the President's authority to receive and adjudicate such requests in accordance with the longstanding practice of the ad hoc Tribunals and the Mechanism.

84. The above-mentioned responsibilities represent a central focus for the President and her office, as demonstrated by the President's enforcement-related judicial activity, set out in paragraphs 46 and 47 above. In addition, during the reporting period the President visited one of the Mechanism's enforcement States, where she viewed the relevant prison facilities and met with prison authorities and staff who regularly interact with convicted persons serving sentences under the jurisdiction of the Mechanism. Separately, she also visited the United Nations Detention Unit in The Hague, as well as the prison hospital within the complex that is utilized, when necessary, by the Mechanism's convicted persons and the accused in the Unit. During the visit, the President met with senior staff of the Unit and a representative of the medical service, who provided general updates on operational matters.

85. In the exercise of her supervisory function, the President is supported by the Registry, which plays an essential role in securing the enforcement of the Mechanism's remaining sentences and the overall administration thereof. As mentioned above, the President and Registrar worked closely together during the reporting period with a view to streamlining certain aspects of the enforcement function, including communications with enforcement States, independent inspection bodies and convicted persons and their representatives.

86. At the end of the reporting period, 41 convicted persons continued to serve their sentences in the territories of 11 Member States, under the supervision of the Mechanism.

87. In relation to the International Criminal Tribunal for Rwanda, 25 convicted persons are serving their sentences in two different States: Benin (17) and Senegal (8). With respect to the International Tribunal for the Former Yugoslavia, 16 convicted persons continue to serve their sentences under the supervision of the Mechanism, in nine different States: Austria (1), Belgium (1), Estonia (3), Finland (1), France (1), Germany (4), Norway (2), Poland (1) and the United Kingdom (2). One convicted person was released upon completing his full sentence in November 2024.

¹⁷ Practice Direction on the Procedure for Designation of the State in which a Convicted Person is to Serve His or Her Sentence of Imprisonment, MICT/2 Rev.1, 24 April 2014.

88. Separately, as explained in paragraph 126 below, three convicted persons are currently housed at the United Nations Detention Unit awaiting transfer to an enforcement State; of whom two remain following the completion of appeal proceedings, and one who was returned to the Unit on a temporary basis in November 2023. Another convicted person was transferred from the United Nations Detention Unit to an enforcement State during the reporting period. In addition, the President issued a confidential designation order with regard to a convicted person presently housed at the Unit. As a result, enforcement States for two of the remaining three convicted persons have now been confidentially designated. The designation of an enforcement State for the third convicted person continues to be a top priority for the Mechanism and it is actively engaging with a potential receiving State to secure his transfer.

89. In addition, three convicted persons who were previously granted conditional early release by the Mechanism remain under its supervision until their sentences have been completed. This brings the total number of convicted individuals under the supervision of the Mechanism to 47.

90. The Mechanism takes this opportunity to express its heartfelt thanks to each of the 11 enforcement States referenced above, whose commitment to international criminal justice is undoubted. These States have voluntarily taken on the additional and weighty responsibilities of sentence enforcement, and their outstanding support makes it possible for the Mechanism to keep fulfilling this important aspect of its mandate.

91. The Mechanism will continue to rely heavily on the cooperation of enforcement States and encourages other States to provide similar assistance. Securing additional cooperation is particularly important, given the recent trend of convicted persons being returned to the United Nations Detention Unit by European enforcement States due to limitations within domestic legislation or for other reasons internal to those States. As the Unit was never intended to house returned convicted persons in such a manner, these returns are straining the Mechanism's resources and they unnecessarily prolong the adjustment periods for prisoners transferred between multiple detention facilities. While negotiations with potential enforcement States are ongoing, the Mechanism continues to require additional States who are willing to enforce the sentences of those convicted by the ad hoc Tribunals or the Mechanism to come forward.

92. The conditions of imprisonment in the enforcement States must be compatible with international standards of detention.¹⁸ The International Committee of the Red Cross (ICRC) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment continued to serve as independent inspecting bodies. These organizations regularly monitor the conditions of imprisonment to ensure that international standards are being met, and any recommendations made are considered and addressed by the Mechanism, which also coordinates with relevant national authorities and/or the United Nations Development Programme. At the Arusha branch, the Registry continued to support the ageing convicted persons in Benin and Senegal, in light of their specific vulnerabilities.

93. In addition, as previously reported, ICRC conducted an independent thematic review on the Mechanism's "end-of-justice cycle", presenting a confidential summary of its report to enforcement States in March 2024. On 6 November 2024, the President convened a meeting with high-level representatives of other international criminal courts in The Hague, as well as of the host State, to confidentially discuss some of

¹⁸ These include the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

the practices distilled by ICRC during its inquiry and to identify shared priorities and areas of potential collaboration. The Mechanism again extends its sincere gratitude to ICRC for its valuable assistance with respect to the enforcement function.

94. Supervising the enforcement of sentences is a long-term residual activity of the Mechanism and one of its key mandated functions. In this respect, 15 convicted persons are currently serving life sentences, while 16 will complete their sentences between 2030 and 2040, and another eight after 2040. The Mechanism is aware that the enforcement function and its potential transfer are of particular interest to the Security Council, as seen in resolution [2740 \(2024\)](#) and the Council's request that the Secretary-General prepare a related report. Moreover, rule 128 of the Rules of Procedure and Evidence, which provides that the Council may designate another judicial body to supervise the enforcement of sentences after the Mechanism ceases to exist, already reflects that this function may outlast the Mechanism. The Mechanism is actively considering how this function might appropriately be transferred and stands ready to provide any information and support required for the related report to be prepared by the Secretary-General. In the meantime, the Mechanism will continue to conscientiously discharge its mandated responsibilities in connection with this function.

VIII. Relocated persons

95. Despite the Mechanism's significant and persistent diplomatic efforts, the situation of the six acquitted and released persons who were relocated to the Niger in December 2021, pursuant to an agreement between the United Nations and the Government of the Niger, remains unresolved, following the issuance of an expulsion order on 28 December 2021 by the Nigerien authorities. This situation continues to affect the rights and freedom of the six individuals.

96. During the reporting period, the Registrar further pursued efforts towards identifying possible relocation States for the acquitted and released persons, in close collaboration with their respective Counsel, as appropriate. The Registry maintained frequent contact with ICRC in the Niger, as well as with the relocated persons, to receive updates on the situation on the ground. The Registry also continued to refine its diplomatic strategy, focusing on securing the collective support of Member States and drawing attention to the Security Council's continued calls for Member States' cooperation in receiving the relocated persons on their territory. Furthermore, in line with the second recommendation made by OIOS in its 2024 evaluation report ([S/2024/199](#), para. 44), the Registrar, in consultation with the President, is developing a plan to further leverage partnerships with the United Nations system to find a long-term solution.

97. In accordance with the President's order of 19 December 2022 instructing the Registrar to, *inter alia*, file regular reports on his efforts to find a solution in line with the Mechanism's duty of care towards the relocated persons, the Registrar filed three additional bimonthly submissions during the reporting period, on 5 July, 2 September and 1 November 2024, respectively.

98. Separately, the President continued to raise this matter in her periodic reports and during her meetings with Member States, the General Assembly, the Security Council and the Informal Working Group on International Tribunals, emphasizing that Member States' engagement remains critical to addressing this challenge.

99. The predicament of the relocated persons continued to give rise to further litigation before both the President and single judges of the Mechanism, as set out in paragraphs 50 and 59 above. Following the decision issued by the President on

27 May 2024, the Registrar met with the Counsel of five of the relocated persons on 18 June 2024 and reported thereon in his bi-monthly report of 5 July 2024. In addition, in response to the invitation issued by a single judge on 24 July 2024, the Registrar filed a submission on 29 August 2024, transmitting the response from Rwanda.

100. The Mechanism refers to Security Council resolution 2740 (2024), in which the Council reiterated its call to all States to cooperate with and render all necessary assistance to the Mechanism. The Mechanism also recalls the 2024 evaluation report of OIOS, in which OIOS acknowledged that the situation concerning the acquitted and released persons could only be resolved with the support of Member States. The Mechanism would welcome any such support and assistance in relation to this protracted matter.

IX. Cooperation and information dissemination

101. In accordance with paragraph 23 of Security Council resolution 2256 (2015), the Mechanism continued to pursue avenues to enhance its cooperation with the Government of Rwanda. The principals of the Mechanism once more engaged with the Rwandan authorities on matters such as improving access to the Mechanism's archives and its overall work. Moreover, Mechanism representatives worked collaboratively with representatives of the Government of Rwanda to ensure there would be a smooth handover of information and support services to victims and witnesses after the closure of the Kigali field office on 31 August 2024. To this end, a joint working group comprising representatives of the Mechanism and the Government of Rwanda held several meetings between March and September 2024, during which an action plan and corresponding timelines were finalized. Following the judicial order mentioned in paragraph 58 above to partially vary the protective measures of victims and witnesses, the Mechanism had by mid-September 2024 successfully transferred relevant personal and medical data to the National Public Prosecution Authority in Rwanda and the Rwandan Ministry of Health, thus enabling the continuity of medical and psychosocial support services.

102. In resolution 1966 (2010), the Security Council requested the Mechanism to cooperate with Rwanda and the countries of the former Yugoslavia to facilitate the establishment of information centres. The Mechanism continues to pursue the potential establishment of an information centre on the International Tribunal for the Former Yugoslavia in Zagreb and to discuss the creation of similar centres with other stakeholders in the former Yugoslavia and in Rwanda. By providing access to public judicial records and information on the mandate, work and achievements of the ad hoc Tribunals and the Mechanism, information centres can greatly contribute to combating genocide denial, historical revisionism and the glorification of convicted war criminals. A prime example in this regard is the existing information centre in Sarajevo. During the reporting period, the Mechanism contributed to lectures organized by that information centre for groups of students on the legacy of the International Tribunal for the Former Yugoslavia and the Mechanism.

103. The Mechanism, with support from the European Union, also continued its Information Programme for Affected Communities.¹⁹ During the reporting period, 60 secondary school history teachers participated in two workshops organized by the Mechanism on using the archives of the International Tribunal for the Former Yugoslavia and the Mechanism. This brings the total number of teachers from the Western Balkans region who have participated in the Programme's workshops to over 500. In addition, the Programme supported nine regional events, including a two-day

¹⁹ See <https://www.irmct.org/en/mip> for further information about the Mechanism's Information Programme for Affected Communities.

international conference on the detention camps in Bosnia and Herzegovina held in Prijedor and Sarajevo in May 2024. These events gathered civil society representatives, victims and young people from the region of the former Yugoslavia and beyond.

104. The sixth cycle of the video lecture series by the Information Programme for Affected Communities, entitled “International law and facts established before the ICTY”, started with a lecture by the President of the Mechanism in November 2024. The series will consist of 10 lectures delivered by Mechanism officials from all organs, members of the Association of Defence Counsel practising before the International Courts and Tribunals, former staff members of the International Tribunal for the Former Yugoslavia and experts from other United Nations bodies, and brings together postgraduate students from 15 faculties across the former Yugoslavia. Separately, the Programme also contributed to five lectures on the legacy of the International Tribunal for the Former Yugoslavia, hosted by local groups or organizations and addressed to young people, journalists and researchers from the region.

105. Overall, the Mechanism Information Programme for Affected Communities continued to be well received, with its social media campaigns now having reached close to 6,300,000 people since January 2019. The Mechanism wishes to reiterate its sincere gratitude to the European Union and its member States for their ongoing and generous support.

106. As mentioned above, following the end of in-court judicial activity for core crimes trials and appeals, the Mechanism’s External Relations Office at both branches was dissolved on 30 June 2024, after a slight delay for operational reasons and to allow for a smooth transition of functions. Since 1 July 2024, each organ has assumed responsibility for its external relations activities within existing resources, with the Registry supporting a limited number of cross-cutting functions for the entire Mechanism.

107. Despite the closure of the External Relations Office, visits continued during the reporting period. At both branches, visitors had the opportunity to view the status conference in the *Kabuga* case on 24 July 2024, either in the public gallery in The Hague or via broadcast in Arusha. These proceedings were also streamed on the Mechanism’s website.

108. The Arusha branch welcomed to its premises over 430 visitors from various international and regional universities, as well as judges from the Republic of Korea, Uganda and the United Republic of Tanzania. On 24 October 2024, the Arusha branch celebrated United Nations Day with students from international schools in and around Arusha to raise awareness about the Mechanism’s work and the mission of the United Nations. In addition, on 30 October 2024, the branch hosted a high-level delegation in connection with a dialogue on victim-centred justice organized by the African Institute of International Law in collaboration with the Municipality of The Hague, the Ministry of Foreign Affairs of the Kingdom of the Netherlands and the African Foundation for International Law. The participants, including a number of Tanzanian judges, academics and officials from various African and European States, as well as the Ambassador of the Kingdom of Netherlands to the United Republic of Tanzania and the Mayor of The Hague, were briefed about the Mechanism by all three organs and received a tour of the courtroom and archives. Furthermore, the Arusha branch library continued to provide a wide range of services to internal and external users.

109. As regards its branch at The Hague, the Mechanism welcomed over 1,000 visitors to its premises during the reporting period, including more than 350 persons who attended the Mechanism as part of Just Peace Open Day, held on 22 September 2024 and organized by the City of The Hague. The President opened this event with

welcoming remarks and visitors were able to learn more about the work of the Mechanism through guided courtroom tours and briefings by Mechanism staff, including on the management of the archives and the activities of the Information Programme for Affected Communities.

110. In addition, the Mechanism continued to share information about its work and judicial updates on its website and social media channels. The Mechanism remains dedicated to ensuring that its legacy, as well as those of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, are visible in the public sphere. During the reporting period, the Mechanism website received over 400,000 page views, reflecting the continued importance of disseminating judicial information, court records, case updates and legacy-related content. In addition, a total of 15 social media campaigns were implemented.

X. Registry support to Mechanism activities

A. Judicial support services

111. During the reporting period, the Registry continued to provide support to the Mechanism's judicial activities at both branches.

112. The Judicial Records Unit at both branches continued to process, distribute and manage the judicial records of the ad hoc Tribunals and the Mechanism related to residual activities such as the supervision of the enforcement of sentences, applications pursuant to rule 86 of the Rules of Procedure and Evidence, monitoring of cases referred to national jurisdictions and remaining contempt proceedings. The Judicial Records Unit in both branches processed and disseminated 826 filings during the reporting period, including 216 Registry legal submissions, amounting to a total of 14,687 pages.

113. Pursuant to rule 69 of the Rules of Procedure and Evidence, the Registry will be required to continue to support status conferences in the *Kabuga* case every 120 days, for as long as Mr. Kabuga remains in the United Nations Detention Unit. During the reporting period, one status conference, on 24 July 2024, was held with the support of the Judicial Records Unit at the branch at The Hague. In Arusha, the Judicial Records Unit conducted preparations for the review hearing in the *Ntakirutimana* case.

114. In relation to the *Šešelj et al.* case, following the referral of the case to Serbia, the Judicial Records Unit at the branch at The Hague provided assistance to the Prosecution in transferring to the Public Prosecutor's Office for War Crimes of Serbia documents and information relating to that case.

115. Similarly, in the *François Ngirabatware* case, following the single judge's decision of 17 September 2024 to refer the case to Belgium, the Judicial Records Unit liaised with the *amicus curiae* on transferring to the Prosecutor's Office of Belgium documents and information relating to that case.

116. During the reporting period, the Language Support Services at both branches collectively translated approximately 7,000 pages. Across the branches, the Language Support Services provided seven conference interpreter days and produced approximately 30 pages of transcripts in English and French.

117. The availability of all judgments in languages that the convicted persons understand is essential and part of ensuring fair and open judicial proceedings. In this regard, the Language Support Services in Arusha completed the translation into Kinyarwanda of five appeal judgments of the International Criminal Tribunal for

Rwanda. Ten appeal judgments remain to be translated into Kinyarwanda. In addition, the Language Support Services in The Hague completed the translation into French of one appeal judgment of the Mechanism. Seven judgments, five of the International Tribunal for the Former Yugoslavia and two of the Mechanism, are still to be translated from English to French, with a number of translations in progress. The translation of the remaining judgments into French and Kinyarwanda may be affected by the demands of ongoing work and available resources.

118. As to legal aid and matters pertaining to the defence and *amicus curiae* teams, the Registry continued to provide financial and administrative assistance as needed. Such efforts involved an average of 62 defence and *amicus curiae* teams, comprising a total of approximately 95 team members. The majority of these teams are engaged in pro bono efforts in post-conviction proceedings. Relevant staff supporting this portfolio processed 47 defence and *amicus curiae* invoices, travel requests and expense reports during the reporting period. The list of those eligible for assignment to indigent suspects and accused before the Mechanism now includes 42 counsel, while the roster of prosecutors and investigators eligible for assignment as an *amicus curiae* increased to 62.

B. Victims and witnesses

119. The Mechanism is responsible for the protection of witnesses who have testified in cases before the ad hoc Tribunals and the Mechanism, pursuant to article 20 of the statute. Approximately 3,200 witnesses currently benefit from judicial and/or extrajudicial protective measures. Physical protection by security personnel, beyond facilitating participation in judicial proceedings, is not provided by the Mechanism.

120. Although the effective conclusion of all core crimes trials and appeals before the Mechanism has resulted in a decrease in responsibilities, the need to monitor and communicate with protected witnesses remains. The Witness Support and Protection Unit at both branches continues to inform protected witnesses of the release of convicted persons in cases where they have testified and serves as the point of contact for witnesses seeking amendments to their protective measures or additional assistance. In addition, the Unit conducts threat assessments to ensure the continued effectiveness of protective measures ordered for specific victims and witnesses and maintains cooperation with relevant States to which protected witnesses have been resettled. Expenses such as travel costs for witnesses, the provision of protection officers, daily subsistence allowances and safe houses in secure locations are expected to continue to decrease.

121. During the reporting period, the Witness Support and Protection Unit at the Arusha branch made administrative and logistical arrangements for witness activity in relation to the review hearing in the *Ntakirutimana* case, scheduled to be held from 18 to 22 November 2024. The Unit at The Hague will assist where required.

122. In addition, until the above-mentioned closure of the Kigali field office on 31 August 2024 and the related transfer of medical services to the Government of Rwanda, the medical clinic continued to provide medical, nutritional and psychosocial services to more than 500 witnesses residing in Rwanda, including those living with HIV/AIDS as a result of crimes committed against them during the 1994 genocide against the Tutsi in Rwanda.

123. The Witness Support and Protection Unit at both branches also continued to facilitate applications from national jurisdictions for the variation of protective measures pursuant to rule 86 of the Rules of Procedure and Evidence and implemented eight judicial orders involving 66 witnesses. In addition, at the branch at The Hague, the Unit provided an assessment concerning 320 witnesses to the

President of the Mechanism in relation to a request by a convicted person for early release.

124. The responsibilities of the Witness Support and Protection Unit will continue to be relied upon in the future, in accordance with judicial protection orders that will continue to apply unless rescinded or waived.

C. Detention facilities

125. During the reporting period, the United Nations Detention Unit in The Hague continued to provide custodial capacity to persons detained by the Mechanism awaiting provisional release or transfer to an enforcement State.

126. The United Nations Detention Unit housed five detainees during the reporting period. Three convicted persons, Messrs. Radislav Krstić, Ratko Mladić and Jovica Stanišić, await transfer to a State for the enforcement of the remainder of their sentences. Mr. Stojan Župljanin was housed at the Unit for part of the reporting period and was subsequently transferred to Norway to serve the remainder of his sentence.²⁰ In addition, Mr. Félicien Kabuga continues to be housed at the Unit, pending the identification of a State for his provisional release.

127. As mentioned above, enforcement States for two of the convicted persons have already been confidentially designated (see para. 88 above). Identifying and securing an enforcement State for the remaining convicted person is a priority for the Mechanism and it is actively engaged with a specific State to secure his transfer in a timely manner. Similarly, the Mechanism continues to support Mr. Kabuga's efforts to find a suitable State for provisional release. In parallel, the Registry has engaged in an ongoing discussion with the authorities of the Kingdom of the Netherlands to explore the possibility of setting up an ad hoc arrangement for any residual detention requirements of the Mechanism and to facilitate the possible closure of the United Nations Detention Unit in 2025.

128. Separately, in August 2024 the Commanding Officer of the United Nations Detention Unit, in consultation with the Registrar, issued guidelines on serving documents upon detainees for administrative or legal proceedings not pending before the Mechanism. These guidelines are available on the website of the Mechanism.²¹

129. The United Nations Detention Unit is regularly inspected by ICRC to ensure that the Mechanism's Rules of Detention²² are properly applied and the facilities operate in accordance with international standards.

130. The Mechanism is particularly mindful of its duty of care in line with paragraph 16 of Security Council resolution 2740 (2024), where the Council reiterates the importance of ensuring that the rights of persons detained on the authority of the Mechanism are maintained in accordance with the applicable international standards relating to healthcare, including the United Nations Standard Minimum Rules for the Treatment of Prisoners. The Mechanism's established legal and regulatory framework supports full compliance with this duty, including through the Mechanism's

²⁰ *Prosecutor v. Stojan Župljanin*, Case No. MICT-13-53-ES.1, Order Designating the State in Which Stojan Župljanin is to Serve the Remainder of his Sentence, 15 March 2024.

²¹ See <https://www.irmct.org/en/documents>.

²² Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism, 5 November 2018.

Regulations on the Complaints Procedure for Detainees,²³ regular status conferences²⁴ and the above-mentioned independent inspections.

D. Archives and records

131. The Mechanism Archives and Records Section currently manages approximately 4,700 linear metres of physical records and around 3 petabytes of digital records of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Mechanism. Effective management of the archives includes preservation and provision of access, to both physical and digital records, while ensuring the protection of confidential information. This is critical to the performance of other Mechanism functions, such as the provision of assistance to national jurisdictions.

132. Regarding the preservation of digital records, the Archives and Records Section, working in close collaboration with the Information Technology Services Section, dedicated substantial efforts to resolving some remaining technical issues that were impeding the transfer of records into the Mechanism's digital repository. This included a technical review of each of the 72,000 files included in the digital repository, totalling 300 terabytes, to confirm that they were not corrupted. In addition, a total of 32.8 gigabytes of digital records, comprising 9,226 files, were ingested. Thus far, 13.9 per cent of the digital archives in the custody of the Section have been ingested.

133. The preservation of the physical archives continued to focus on documents from the early years of the International Tribunal for the Former Yugoslavia, which are on thermal paper and at risk of loss due to fading ink. During the reporting period, over 4,190 folders were reviewed and the thermal copies contained therein preserved. This work is projected to be completed by the end of this year. In Arusha, a preservation assessment was carried out on 64 physical artefacts and documents, with 15 subsequently receiving specialist conservation treatment.

134. As regards audiovisual records, the digitization of analogue audiovisual recordings of the International Tribunal for the Former Yugoslavia continued and only 3 per cent now remain to be digitized, while 85 per cent of digitized recordings need to be checked for quality and redacted. Correspondingly, 2,529 audiovisual records of the International Criminal Tribunal for Rwanda were digitized during the reporting period, leaving 22 per cent still to be digitized and approximately 54 per cent of digitized recordings to be checked for quality and redacted. In addition, a total of 18,208 physical audiovisual recordings at the branch at The Hague were assessed so as to determine their preservation needs. In accordance with the most recent General Assembly resolution concerning the Mechanism's budget, resolution [78/249](#), the Registry continues to pursue multiple strategies to raise voluntary contributions for various archival activities, including digitization. This includes developing a concept note on various archival activities that require funding, submitting multiple requests for funding in writing and through high-level meetings with Member States, developing a fundraising and implementation plan, and exploring ways to leverage partnerships to garner support from a wider range of potential donors.

²³ International Residual Mechanism for Criminal Tribunals Regulations on the Complaints Procedure for Detainees, MICT/25, 5 December 2018. See also Rules of Detention, rules 91–97; International Residual Mechanism for Criminal Tribunals Regulations on the Disciplinary Procedure for Detainees, MICT/24, 5 December 2018, regulations 8 and 10; and International Residual Mechanism for Criminal Tribunals Regulations on the Supervision of Visits to and Communications with Detainees, MICT/23, 5 December 2018, regulation 23.

²⁴ Rules of Procedure and Evidence, rule 69.

135. Over 380,000 judicial records are currently available through the Unified Court Records database, which brings together all public judicial records of the ad hoc Tribunals and the Mechanism. During the reporting period, these public judicial records were accessed by 16,009 users. Separately, the Mechanism Archives and Records Section received and responded to 78 requests for access to records and provided briefings about the Mechanism archives to 60 visitors in The Hague and 261 visitors in Arusha. The visitors included members of the public, students and academics, as well as staff from other United Nations offices, law firms, national and regional judicial institutions, archival institutions and non-governmental organizations. In accordance with the recommendation of OIOS that the Mechanism further enhance its client orientation (S/2024/199, para. 46), the Section administered a survey to over 60 recent users of its research services. The feedback received will allow the Section to further tailor and improve its services.

136. The Mechanism's publicly accessible catalogue, containing over 3,300 descriptions of the judicial and non-judicial archives, was accessed by over 280 new users from across the globe. Along with other long-term archiving work, cataloguing the archives is continuing to the extent that resources permit, and will be completed only after all the archives of the ad hoc Tribunals and the Mechanism have been transferred to the Mechanism Archives and Records Section.

137. Archives are, by definition, records deemed to be of permanent value.²⁵ Consequently, their management is an ongoing task that will need to continue for as long as the Mechanism exists, unless a decision is taken by the Security Council to transfer the Mechanism's archiving functions to another body. In this context, the Council in resolution 2740 (2024) requested the Secretary-General to present an updated report on the administrative and budgetary aspects of the options for possible locations of the archives. The Mechanism is therefore mindful that the potential transfer of the archives is of particular interest to the Council and stands ready to provide any information and support required in relation to the report of the Secretary-General. In the meantime, the Mechanism will continue to conscientiously discharge its mandated responsibilities in connection with this function.

E. Budget, staffing and administration

138. By its resolution 78/249, the General Assembly appropriated to the special account for the Mechanism a total amount of \$65,459,100 gross (\$60,132,400 net) for 2024. The Mechanism implemented the decision of the Assembly²⁶ regarding a reduction of \$150,000 in non-post resources and continues to ensure the prompt and efficient completion of its remaining work. The Mechanism expects to fully support its continuous residual work in 2024 within the approved budgetary resources.

139. Details and a breakdown of the Mechanism's expenditures in 2024, presented in terms of funds committed, are set forth in enclosure I.

140. The Mechanism's 2025 budget proposal supports the Mechanism's mandated activities, namely: the supervision of the enforcement of sentences; the responsibility for other residual judicial activities; the protection of victims and witnesses; the provision of assistance to national jurisdictions; the preservation and management of the archives; and the monitoring of cases referred to national jurisdictions. In addition, although the proceedings in the *Kabuga* case were indefinitely stayed in

²⁵ ST/SGB/2007/5, sect. 1(a), in which archives are defined as records to be permanently preserved for their administrative, fiscal, legal, historical or informational value.

²⁶ In 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).

September 2023, the 2025 budget will again include resources to support any ancillary activity arising out of this case, such as Mr. Kabuga's provisional release and subsequent monitoring pursuant to the Mechanism's continuing jurisdiction over the proceedings.

141. The 2025 budget will also reflect the continuation of the following factors used in previous years to arrive at further staff reductions, namely: (a) a comprehensive review of staffing requirements to maximize efficiencies by considering the redistribution of functions, merging of organizational units and reprioritization of activities, as appropriate; and (b) greater use of service centres and external contractors for administrative and security support services.

142. Following consultations with the Programme Planning and Budget Division at United Nations Headquarters on the preparation of the 2025 budget proposal, the proposal was submitted to the Advisory Committee on Administrative and Budgetary Questions on 25 October 2024. On 28 October 2024, the Committee held a review meeting, requesting clarifications from the Mechanism on, inter alia, progress and completion of work; the overall level of resources; posts and general temporary assistance positions; non-post requirements such as resources for security, travel, outsourcing and cooperation with other entities; assistance to national jurisdictions; the resource allocation for Chambers; and support to witnesses.

143. The Advisory Committee also requested further information on the management of the archives and digitization projects, the Mechanism's translation service and possible use of extrabudgetary funding. The Mechanism addressed all questions in a timely manner. It is projected that the Committee's report on the budget proposal for 2025 and the performance report for 2023 will be issued at the end of November 2024, after which it will be subject to review by the Fifth Committee of the General Assembly in December 2024.

144. Regarding staffing levels, following the downsizing of general temporary assistance as part of the 2024 budget, 76 positions will be abolished in 2024. There has also been a reduction of 20 posts. A total of 117 posts will remain on 31 December 2024.

145. As at 1 November 2024, the Mechanism had 115 staff on posts and a further 158 staff on general temporary assistance positions, for a total of 273 staff.²⁷ Details concerning the staffing of the Mechanism by division are reflected in enclosure II.

146. The Mechanism's posts and general temporary assistance positions include nationals of 59 States: Algeria, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, China, Congo, Croatia, Democratic Republic of the Congo, Denmark, Egypt, Fiji, Finland, France, Gambia, Germany, Greece, Haiti, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Nepal, Netherlands (Kingdom of the), New Zealand, Nigeria, North Macedonia, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Rwanda, Serbia, Sierra Leone, Slovakia, Spain, Sudan, Sweden, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay and Zimbabwe.

147. The Mechanism remains committed to advancing the Secretary-General's gender parity objectives and worked diligently to enhance its efforts in accordance with the pertinent administrative instruction, particularly in the context of recruitment processes. Female staff members comprised 54 per cent of staff at the Professional level averaged across the two branches. However, the average percentage of female

²⁷ This number does not include staff on posts made available to the Programme Planning and Budget Division or to OIOS.

staff remains lower when General Service and Field Service staff are also taken into account, with a total of 47 per cent overall. Despite the constraints imposed by its nature as a downsizing institution, further improving gender parity remains a critical priority for the Mechanism.

148. The Mechanism's focal points for gender continued to focus on flexible working arrangements, family-friendly policies and common standards of conduct, to increase and maintain inclusivity and diversity among staff. Increased focus is being placed on raising awareness among staff and non-staff personnel of avenues to address gender-based issues, including sexual harassment. With the support of the Mechanism's principals, who remain committed to upholding the United Nations policy of zero tolerance for sexual harassment and sexual exploitation and abuse, the focal points for gender held in-person training sessions at both branches on the topic "Prevention of sexual harassment, sexual exploitation and sexual abuse – victim-centred approach". The training events were well-attended by staff of all levels, as well as by the Mechanism President. Further training sessions are scheduled to be held this year. In addition, the Mechanism's diversity, equity and inclusion focal points launched a new SharePoint site, which provides comprehensive information on diversity, equity and inclusion matters and initiatives at the Mechanism and the United Nations.

149. Although the post of a Stress Counsellor was abolished at the end of 2023, the Mechanism has engaged with the United Nations Office at Nairobi to provide counselling services to Mechanism staff through the Office's Joint Medical Services to enhance the well-being of staff members. The Mechanism has also engaged with the Office of the United Nations Ombudsman and Mediation Services to conduct in-person workshops for staff at both branches, aimed at fostering a positive and harmonious work environment.

150. The Mechanism's downsizing is uniquely guided by its operational requirements and in accordance with a governing framework and methodology that is periodically assessed and revised by the Mechanism's Joint Negotiating Committee, an advisory body to the Registrar composed of both management and Staff Union representatives. The Mechanism strives for a transparent and fair downsizing process through the comparative review platform, while affected staff members are able to voice any concerns through internal mechanisms and the United Nations internal justice system.

151. As additional support to staff members subject to downsizing measures, continued efforts were made to encourage other United Nations agencies and programmes to prioritize such Mechanism staff in their recruitment processes, where appropriate. This effort resulted in former staff members securing new employment opportunities with other entities.

XI. Reports of the Office of Internal Oversight Services

152. Earlier in 2024, OIOS undertook an evaluation of the Mechanism's methods and work in connection with the Security Council's fifth review process (see [S/2024/199](#); see also [S/PRST/2024/1](#)). This exercise focused on a qualitative assessment of the Mechanism's engagement with its main stakeholders in the discharge of its residual functions.

153. As previously reported, the Mechanism was satisfied that the OIOS evaluation independently verified that it had effectively rendered quality services to Member States in line with its mandated functions. The evaluation report concluded that the Mechanism was responsive to the needs of Member States and had successfully

adapted and provided a range of services to Rwanda and the countries of the former Yugoslavia to support those jurisdictions with their national war crimes proceedings. Furthermore, the report found that the Mechanism had effectively leveraged cooperation with Member States and international organizations to fulfil its responsibilities in tracking fugitives, supervising the enforcement of sentences and facilitating access to information from the archives of the Mechanism.

154. OIOS made four recommendations, as follows: (a) clarify the respective roles and responsibilities of the President and Registrar of the Mechanism regarding the relocation of acquitted and released persons; (b) further strengthen how the Mechanism leverages partnerships with the United Nations system to find long-term solutions to the challenges it faces regarding cooperation with Member States; (c) apply lessons learned and best practices from the closure of the Sarajevo field office, including to the upcoming closure of the Kigali field office; and (d) take steps to adopt further client orientation, including improving statistics on assistance activities and soliciting feedback from requestors of assistance and recipients of capacity-building (see [S/2024/199](#), paras. 43–46).

155. As soon as the evaluation process had concluded, the Mechanism commenced working expeditiously towards the implementation of all four recommendations. It is pleased to announce that, following close collaboration between the President and the Registrar and the formalization of their existing respective roles and responsibilities, the first recommendation has already been closed by OIOS. Tangible progress in implementing the three remaining recommendations has also been secured and the Mechanism is confident that, in line with Security Council resolution [2740 \(2024\)](#), all recommendations will be implemented and reported as such in its next biennial review report. In particular, it looks forward to the imminent closure of the third recommendation now that the Kigali field office has ceased operations.

156. Separately, during the reporting period OIOS conducted an audit of the continuing residual activities of the Mechanism, focusing on the effectiveness of the administration and programme implementation for continuing residual activities performed by the Mechanism.

157. The audit report found that the Mechanism’s principals had clearly defined the strategic priorities and objectives for the continuing residual activities of their respective organs and that the priorities were aligned with the Mechanism’s mandate and operational context.²⁸ In addition, OIOS observed that managers had translated the Mechanism’s strategic and operational priorities and objectives into programmes of work for their sections to ensure effective execution of continuing residual activities with available resources and other parameters such as established policies, procedures and deadlines,²⁹ and that the Mechanism had implemented adequate mechanisms and processes to enable the principals and senior managers to monitor progress towards the achievement of objectives.³⁰

158. The report concluded with two recommendations to the Mechanism.³¹ The first was to undertake a comprehensive risk assessment exercise with input from all organs and update its risk register accordingly, and the second was to develop terms of reference for the cross-organ working group to guide the objectives, scope, authority and activities of the group to strengthen collaboration for future planning of continual residual activities.

²⁸ OIOS, report 2024/054, para. 15.

²⁹ *Ibid.*, para. 22.

³⁰ *Ibid.*, para. 30.

³¹ *Ibid.* paras. 21 and 28.

159. OIOS also recently initiated an audit of the Mechanism's management of records and archiving processes, with the entry conference tentatively scheduled to be held in January 2025.

160. In addition, during the reporting period, the Mechanism closed six open recommendations from previous OIOS audits, ranging from the installation of an integrated fire safety system at the Lakilaki premises, to formalizing procedures for requests for assistance from national authorities that are processed by the Registry.

XII. Conclusion

161. The Mechanism occupies a unique position in the sphere of international criminal justice. As the successor institution to two historic Tribunals, having inherited their remaining caseloads along with an unparalleled breadth and volume of residual functions, the Mechanism, like its predecessors, has had to navigate uncharted territory. Now that it is a truly residual institution and concentrating its attention on the ultimate completion and/or transfer of its functions, the Mechanism is again traversing new ground. It reflects with satisfaction on the results achieved during the reporting period, as well as the extension of its mandate following the Security Council's fifth review of the progress of its work. The Mechanism takes the opportunity to pay tribute to its dedicated judges and staff, whose outstanding efforts have enabled the Mechanism to keep fulfilling the diverse residual functions entrusted to it by the international community.

162. The fifth review by the Security Council took place soon after the Mechanism had effectively completed its final core crimes proceedings. Culminating in resolution [2740 \(2024\)](#), the review has provided the Mechanism with valuable guidance as to the expectations of the Council in this next phase of the Mechanism's lifespan and offered ample opportunities for further reflection on the future of the Mechanism's operations. The Mechanism is most grateful to the Council and its Informal Working Group on International Tribunals for their support and advice throughout the review process. It is working hard to ensure that its activities align with the vision of the Council of a small, temporary and efficient institution. The Mechanism nevertheless requires sufficient resources in the near term, even as it seeks to significantly decrease its resource requirements.

163. In this respect, the Mechanism is determined to further streamline and reduce requirements wherever possible, while ensuring that the highest standards of international justice are adhered to. The Mechanism has accordingly intensified its focus on actively planning for the future. Led by the principals, with strategic advice from the cross-organ working group, such institutional planning will enable the Mechanism to keep delivering on its mandate while remaining responsive to the requests of the Security Council set out in resolution [2740 \(2024\)](#). The Mechanism will also provide any information and support required in relation to the reports to be prepared by the Secretary-General concerning possible options for the location of the archives and for the transfer of functions related to sentence enforcement and assistance to national jurisdictions.

164. In closing, the Mechanism wishes to emphasize the critical importance of its residual functions being seen through to the end, whether by itself or by other designated bodies or jurisdictions, and, moreover, that they are carried out in a fair, just and transparent way. Only then will the international community's demand to secure accountability for international crimes be respected and the justice cycle appropriately completed.

Enclosure I

International Residual Mechanism for Criminal Tribunals: approved appropriations and commitments for 2024

Table 1

Approved appropriations for the period from 1 January to 31 October 2024 (net of staff assessment)

(United States dollars)

		Chambers	Office of the Prosecutor	Registry	<i>Liabilities: pensions of former judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, and after-service health insurance of former staff of both Tribunals</i>	Mechanism
Arusha	Post	–	3 173 000	7 065 700	–	10 238 700
	Non-post ¹	379 800	2 676 100	9 955 600	5 334 600	18 346 100
Subtotal		379 800	5 849 100	17 021 300	5 334 600	28 584 800
The Hague	Post	–	1 508 700	5 171 900	–	6 680 600
	Non-post	650 700	3 452 600	20 437 500	–	24 540 800
Subtotal		650 700	4 961 300	25 609 400	–	31 221 400
New York	Post	–	–	205 200	–	205 200
	Non-post	–	–	1 500	–	1 500
Subtotal		–	–	206 700	–	206 700
Office of Internal Oversight Services	Post	–	–	106 500	–	106 500
	Non-post	–	–	13 000	–	13 000
Subtotal		–	–	119 500	–	119 500
Overall	Post	–	4 681 700	12 549 300	–	17 231 000
	Non-post	1 030 500	6 128 700	30 407 600	5 334 600	42 901 400
Total		1 030 500	10 810 400	42 956 900	5 334 600	60 132 400

¹ The non-post category includes all commitment items other than posts, such as general temporary assistance, travel and rental of premises.

Table 2
Commitments net of staff assessment as at 1 November 2024 (from Umoja)

(United States dollars)

		<i>Chambers</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Liabilities: pensions of former judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, and after-service health insurance of former staff of both Tribunals</i>	<i>Mechanism</i>
Arusha	Post	–	2 516 291	6 113 322	–	8 629 613
	Non-post	271 989	2 111 510	9 328 981	4 532 868	16 245 348
Subtotal		271 989	4 627 801	15 442 303	4 532 868	24 874 961
The Hague	Post	–	1 183 692	4 283 109	–	5 466 801
	Non-post	525 571	3 980 962	19 069 111	–	23 575 644
Subtotal		525 571	5 164 654	23 352 220	–	29 042 445
New York	Post	–	–	153 801	–	153 801
	Non-post	–	–	16 000	–	16 000
Subtotal		–	–	169 801	–	169 801
Office of Internal Oversight Services	Post	–	–	202 707	–	202 707
	Non-post	–	–	5 358	–	5 358
Subtotal		–	–	208 065	–	208 065
Overall	Post	–	3 699 983	10 752 939	–	14 452 922
	Non-post	797 560	6 092 472	28 419 450	4 532 868	39 842 350
Total		797 560	9 792 455	39 172 389	4 532 868	54 295 272

Table 3
Annual budget committed as at 1 November 2024

(Percentage)

		Chambers	Office of the Prosecutor	Registry	<i>Liabilities: pensions of former judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, and after-service health insurance of former staff of both Tribunals</i>	Mechanism
Arusha	Post	–	79.3	86.5	–	84.3
	Non-post	71.6	78.9	93.7	85.0	88.5
Subtotal		71.6	79.1	90.7	85.0	87.0
The Hague	Post	–	78.5	82.8	–	81.8
	Non-post	80.8	115.3	93.3	–	96.1
Subtotal		80.8	104.1	91.2	–	93.0
New York	Post	–	–	75.0	–	75.0
	Non-post	–	–	1 066.7	–	1 066.7
Subtotal		–	–	82.1	–	82.1
Office of Internal Oversight Services	Post	–	–	190.3	–	190.3
	Non-post	–	–	41.2	–	41.2
Subtotal		–	–	174.1	–	174.1
Overall	Post	–	79.0	85.7	–	83.9
	Non-post	77.4	99.4	93.5	85.0	92.9
Total		77.4	90.6	91.2	85.0	90.3

Enclosure II

Staffing of the International Residual Mechanism for Criminal Tribunals

Table 1
Number of staff, by branch and organ, as at 1 November 2024

<i>Category</i>	<i>Arusha branch</i>	<i>The Hague branch</i>	<i>Chambers</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Mechanism overall</i>
All staff	119	154	26	75	172	273
Staff on continuous posts	71	44	8	28	79	115
Staff on general temporary assistance positions	48	110	18	47	93	158
International (Professional and higher categories and Field Service)	73	70	21	47	75	143
Local (General Service)	46	84	5	28	97	130

Table 2
Geographical representation, by regional group, as at 1 November 2024

	<i>Arusha branch</i>	<i>The Hague branch</i>	<i>Mechanism overall (percentage)</i>
Number of nationalities	28	45	59
All staff			273
African	93	9	102 (37.4%)
Asia-Pacific	4	15	19 (7%)
Eastern European	1	34	35 (12.8%)
Latin American and Caribbean	–	5	5 (1.8%)
Western European and Others	21	91	112 (41%)
International (Professional and higher categories and Field Service)			143
African	47	2	49 (34.3%)
Asia-Pacific	4	7	11 (7.7%)
Eastern European	1	16	17 (11.9%)
Latin American and Caribbean	–	2	2 (1.4%)
Western European and Others	21	43	64 (44.8%)
Local (General Service)			130
African	46	7	53 (40.8%)
Asia-Pacific	–	8	8 (6.2%)
Eastern European	–	18	18 (13.8%)
Latin American and Caribbean	–	3	3 (2.3%)
Western European and Others	–	48	48 (36.9%)

(Footnotes on following page)

(Footnotes to table 2)

Group of African States: Algeria, Cameroon, Congo, Democratic Republic of the Congo, Egypt, Gambia, Kenya, Lesotho, Madagascar, Malawi, Nigeria, Rwanda, Sierra Leone, Sudan, Uganda, United Republic of Tanzania and Zimbabwe.

Group of Asia-Pacific States: China, Fiji, India, Indonesia, Iraq, Japan, Lebanon, Malaysia, Nepal, Pakistan, Philippines and Republic of Korea.

Group of Eastern European States: Bosnia and Herzegovina, Bulgaria, Croatia, North Macedonia, Poland, Russian Federation, Serbia, Slovakia and Ukraine.

Group of Latin American and Caribbean States: Bolivia (Plurinational State of), Haiti, Jamaica and Uruguay.

Group of Western European and Other States: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands (Kingdom of the), New Zealand, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.

Table 3
Gender representation, by branch, as at 1 November 2024

Category	Arusha branch	The Hague branch	Mechanism overall
	Arusha	The Hague	Overall
Professional and higher			
All Professional and higher	47	70	117
Male	28 (59.6%)	26 (37.1%)	54 (46.2%)
Female	19 (40.4%)	44 (62.9%)	63 (53.8%)
Professional (P-4 and above)			
All P-4 and above	17	22	39
Male	12 (70.6%)	10 (45.5%)	22 (56.4%)
Female	5 (29.4%)	12 (54.5%)	17 (43.6%)
Field Service			
All Field Service	26	–	26
Male	15 (57.7%)	– (0%)	15 (57.7%)
Female	11 (42.3%)	– (0%)	11 (42.3%)
General Service			
All General Service	46	84	130
Male	29 (63%)	46 (54.8%)	75 (57.7%)
Female	17 (37%)	38 (45.2%)	55 (42.3%)
All staff			
All staff	119	154	273
Male	72 (60.5%)	72 (46.8%)	144 (52.7%)
Female	47 (39.5%)	82 (53.2%)	129 (47.3%)

Table 4
Number of staff by organ

	<i>Arusha branch</i>	<i>The Hague branch</i>	<i>Mechanism overall</i>
Chambers	7	19	26
Office of the President	3	11	14
Chambers Legal Support Section	4	8	12
Office of the Prosecutor	36	39	75
Registry	76	96	172
Immediate Office of the Registrar	11	10	21
Mechanism Archives and Records Section	9	9	18
Witness Support and Protection Unit	4	3	7
Judicial Records Unit	1	4	5
Language Support Services	4	8	12
Division of Administration	26	44	70
Security and Safety Section	21	14	35
United Nations Detention Unit	–	4	4

Annex II to the letter dated 18 November 2024 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council

Progress report of Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals, provided to the Security Council under paragraph 16 of Security Council resolution 1966 (2010)

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I. Overview

1. The Prosecutor submits the present twenty-fifth progress report pursuant to Security Council resolution [1966 \(2010\)](#), covering developments from 16 May to 15 November 2024.
2. During the reporting period, the Office of the Prosecutor continued to advance its two strategic priorities: assisting national jurisdictions prosecuting international crimes committed in Rwanda and the former Yugoslavia; and effectively litigating mandated residual matters.
3. Regarding national prosecutions of war crimes committed in Rwanda, during the reporting period the Office of the Prosecutor provided assistance to 21 national cases. The commemoration of the thirtieth anniversary of the 1994 genocide against the Tutsi in Rwanda is a reminder that there are still more than 1,000 accused who have not yet been prosecuted for their alleged crimes. Cooperation between the Office, the Prosecutor General of Rwanda and other national prosecutors to address this accountability gap continues to strengthen and increase. During the reporting period, the Office provided direct support to national investigations conducted by the authorities of Member States, including by handing over two investigative dossiers. More justice for crimes committed during the 1994 genocide against the Tutsi in Rwanda is still urgently needed. In furtherance of article 28 (3) of the statute and the completion strategy of the International Criminal Tribunal for Rwanda, the Office will continue to provide needed support for the accountability process.
4. Regarding national prosecutions of war crimes committed in the former Yugoslavia, during the reporting period the Office of the Prosecutor provided assistance to 82 national cases, in support of the further implementation of the completion strategy of the International Tribunal for the Former Yugoslavia. With the completion of the final case before the Tribunal in 2023, further accountability for the crimes now depends fully on national judiciaries in the countries of the former Yugoslavia. During the reporting period, the Office continued to respond to a wide range of requests for assistance from national prosecutors. In addition to searching its evidence collection, the Office responds to requests for direct case assistance, which entails providing legal, investigative and prosecutorial support for ongoing cases. The Office is also, upon request, reviewing its evidence and preparing investigative dossiers concerning notable accountability gaps for national prosecutors to utilize. Lastly, the Office continued its efforts to improve regional judicial cooperation in war crimes cases, with a particular focus on the transfer of cases concerning unavailable suspects and accused from the Prosecutor's Office of Bosnia and Herzegovina to partners in the Western Balkans region. All these efforts, pursuant to article 28 (3) of the statute, are highly valued by national prosecutors in the region and produce meaningful results in the justice process.
5. In managing its work, the Office of the Prosecutor continued to be guided by the Security Council's views and requests as set forth, inter alia, in paragraphs 18 to 20 of resolution [2256 \(2015\)](#) and paragraphs 7 and 8 of resolution [2422 \(2018\)](#). The Office continued to manage its work appropriately and efficiently during the reporting period.

II. Assistance to national war crimes prosecutions

6. National prosecutions remain essential for achieving greater justice for the victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda. The effective prosecution of these crimes is fundamental to building and sustaining the rule of law, establishing the truth of what occurred and

promoting reconciliation in the affected countries. Third-party States are also undertaking prosecutions against suspects who are present in their territory for crimes committed in Rwanda and the former Yugoslavia, particularly pursuant to policies stipulating that there shall be no safe havens.

7. The Office of the Prosecutor is mandated to assist and support national prosecutions of these crimes, in accordance with the completion strategies of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, Security Council resolution 1966 (2010) and the statute of the International Residual Mechanism for Criminal Tribunals. During the reporting period, the Office continued to receive a high volume of requests for assistance from national judiciaries and international organizations. These requests address three related areas where support from the Office is needed: first, requests for access to evidence and information; second, requests for substantive legal, investigative and prosecutorial direct case assistance, including through the preparation and transfer of investigation dossiers; and third, requests for assistance in resolving strategic and/or cross-cutting issues affecting the accountability process, including the challenges of fugitives and international cooperation.

8. The Office of the Prosecutor continued to monitor and assess the implementation of the completion strategies of the Tribunals and national justice processes, including cases referred by the International Criminal Tribunal for Rwanda under rule 11 bis, so-called category II cases transferred by the International Tribunal for the Former Yugoslavia and related cases initiated by national prosecutors. The Office provides strategic advice, feedback and support to national prosecution services and justice sectors to assist them to meet their immense responsibilities and the legitimate expectations of victims. The Office also continued to assist and engage with a range of stakeholders concerning matters directly related to the accountability process, such as denial and glorification, missing persons and capacity-building.

A. Provision of evidence and expertise to national prosecutors

9. Pursuant to article 28 (3) of the Statute, the Office of the Prosecutor is mandated to respond to requests from national authorities for assistance in relation to justice for international crimes committed in Rwanda and the former Yugoslavia. During the reporting period, in implementing this mandate the Office provided assistance in relation to a total of 103 case files.

10. National authorities desire, require and request such assistance because the Office of the Prosecutor possesses extensive evidence and invaluable expertise that can greatly benefit national justice efforts. The Yugoslavia-related evidence collection comprises more than nine million pages of documents, tens of thousands of hours of audio and video records and thousands of artefacts, most of which were not introduced into evidence in any proceeding before the International Tribunal for the Former Yugoslavia and thus is only available from the Office. The Rwanda-related evidence collection comprises more than one million pages of documents. These large evidence collections are partly available remotely. In addition, staff members of the Office have unique insight into the crimes and the cases, which can assist national prosecutors to prepare and prove their indictments.

11. The volume and complexity of requests for assistance received, as well as the wide range of authorities who are submitting requests for assistance, clearly demonstrate both the large number of cases still to be processed and that continued assistance from the Office of the Prosecutor is vital for greater accountability.

12. During the reporting period, the Office of the Prosecutor consulted intensively with national prosecutors in Rwanda and the former Yugoslavia to discuss their needs

and the provision of assistance from the Office for national criminal cases. In September, the Prosecutor visited Bosnia and Herzegovina, Croatia, Montenegro and Serbia for intensive discussions with national partners concerning their investigations and prosecutions. He also participated in the annual meeting of war crimes prosecutors from the Western Balkans, which was held in Podgorica. In November, the Prosecutor visited Rwanda for consultations with the Prosecutor General and other senior officials. Throughout the reporting period, the Office remained in regular communication with national counterparts regarding their investigations and prosecutions.

13. During the reporting period, pursuant to its cooperation with the National Public Prosecution Authority of Rwanda and other national prosecution services, the Office of the Prosecutor received 50 requests for assistance concerning crimes committed in Rwanda from eight Member States.

14. With respect to requests for access to evidence, the Office of the Prosecutor received 29 requests for access to evidence and information from eight Member States. In total, the Office handed over 1,188 documents comprising approximately 40,000 pages of evidence. In addition, the Office confirmed the whereabouts of and obtained cooperation from 49 witnesses who had appeared before the International Criminal Tribunal for Rwanda and the Mechanism to support national authorities. The Office also filed six submissions related to witness protective measures and/or access to evidence in support of national authorities.

15. With respect to requests for direct case assistance concerning Rwanda, during the reporting period the Office of the Prosecutor provided legal, evidentiary and strategic assistance with respect to 21 such requests from eight Member States. This entailed presenting to the National Public Prosecution Authority investigative leads regarding 11 individuals suspected of genocide and other international crimes, and providing intelligence and evidence concerning the whereabouts of seven fugitives currently being sought by the Prosecution Authority. In addition, the Office transferred one investigative dossier and six memorandums and analytical reports, as well as 643 documents comprising 18,063 pages of material. This work further entailed 22 operational meetings with national counterparts.

16. During the reporting period, the Office of the Prosecutor received 427 requests for assistance concerning crimes committed in the former Yugoslavia from four Member States and three international organizations. A total of 141 requests for assistance were submitted by authorities in Bosnia and Herzegovina, 13 were from the United States, four were from Serbia and 2 were from Montenegro.

17. With respect to requests for access to evidence, the Office of the Prosecutor received 423 such requests from four Member States and three international organizations. In total, the Office handed over nearly 1,900 documents comprising more than 50,000 pages of evidence and 28 audiovisual records. In addition, the Office filed one submission related to witness protective measures and/or access to evidence in support of national authorities.

18. With respect to direct case assistance requests concerning the former Yugoslavia, during the reporting period the Office of the Prosecutor provided legal, evidentiary and strategic assistance with respect to eight such requests from three Member States. This work entailed five memorandums and analytical reports and two operational meetings, as well as the transfer of 782 documents comprising 13,411 pages of material and 14 audiovisual files. Upon the request of Member States, the Office used its good offices and held one meeting with witnesses to secure their cooperation for national proceedings. The Office also transferred an investigative dossier to the Prosecutor's Office of Bosnia and Herzegovina concerning the

involvement of one mid-level suspect in the commission of crimes during the conflict in Bosnia and Herzegovina, which included more than 11,000 pages of evidence.

19. The significant growth in requests for assistance received by the Office of the Prosecutor was not met in recent years by contemporaneous increases in related resources. As a result, a backlog of requests for assistance that are older than six months has developed. That backlog has been reduced from 280 in 2021 to 20 as at 15 November 2024. To avoid creating a critical risk to the success of national investigations and prosecutions, as well as the search for missing persons, it is vital for the Office to receive support for its reasonable resource requests to meet its mandate under article 28 (3) of the Statute.

B. National justice for crimes committed in Rwanda

1. Rwanda Tribunal completion strategy

20. The completion of trials before the International Criminal Tribunal for Rwanda and the Mechanism is not an end to the justice process for the victims of the 1994 genocide against the Tutsi in Rwanda. All those who participated in the genocide must be held accountable.

21. National authorities now have primary responsibility for the continued implementation of the completion strategy of the Rwanda Tribunal. Courts in countries around the world continue to process cases of international crimes committed during the Rwandan genocide. Consistent with the principle of complementarity and national ownership of post-conflict accountability, prosecutions by the justice sector in Rwanda in accordance with international due process and fair trial standards are in principle the most advantageous accountability mechanism.

22. The prior success of the Rwandan Tribunal and Rwandan domestic efforts may give a misleading impression that justice for crimes committed during the 1994 genocide against the Tutsi has largely been achieved. In reality, there remain many cases that still need to be processed, and many Rwandan victims are still waiting for justice. The Office of the Prosecutor strongly supports continued efforts by the Prosecutor General of Rwanda to ensure that all those responsible for genocide are held accountable. The Office works with law enforcement and prosecutorial authorities in third-party countries around the world to detect, and extradite or prosecute, suspected *génocidaires*. These prosecutors report that the assistance provided by the Office is valued and having a significant impact. They are requesting that the cooperation be even further strengthened, in recognition of the difference that support from the Office makes in ensuring accountability.

23. It is evident that in Rwanda and elsewhere, there is a renewed urgency and dedication to achieving more justice for more victims and survivors of the genocide. During the reporting period, the Prosecutor of the Mechanism and his Office engaged intensively with national prosecutors in Rwanda and a range of other countries concerning progress in the prosecution of those suspected of committing crimes during the genocide. Through high-level meetings, events, media appearances and engagement with the diplomatic community, the Prosecutor sought to bring visibility and attention to the continuing need for justice.

2. Fugitives

24. The Prosecutor General of Rwanda is currently searching for more than a thousand fugitives. In the course of its activities to track the remaining fugitives under its jurisdiction and provide assistance to national authorities, the Office of the Prosecutor has been identifying additional persons who may be reasonably suspected

to be responsible for participating in the 1994 genocide against the Tutsi in Rwanda. Similarly, law enforcement and prosecutorial authorities, as well as civil society and others, also continue to identify such persons, particularly in Europe.

25. That so many suspected perpetrators of genocide have fled to third countries where they enjoy seeming impunity should be of significant concern. Victims and survivors of the genocide cannot understand how those who wronged them now live in new homes in new countries. It is evident that there has been and continues to be extensive and ongoing abuse of the refugee process by Rwandan nationals who have provided false or misleading information concerning their activities during the 1994 genocide against the Tutsi in Rwanda and/or with the Forces démocratiques de libération du Rwanda.

26. At the request of the Prosecutor General of Rwanda, the Office of the Prosecutor is providing vital assistance in order to find solutions to this ongoing challenge, including by supporting national efforts to locate, investigate and prosecute Rwandan nationals suspected of genocide, particularly those living outside Rwanda.

3. Cases referred to Rwanda

27. Following his arrest on 24 May 2023, Fulgence Kayishema will be brought to trial in Rwanda, as his case was referred to Rwanda by the International Criminal Tribunal for Rwanda on 22 February 2012. The arrest warrant provides that Mr. Kayishema will be initially transferred to the custody of the Mechanism in Arusha, from where he will be transferred to Rwanda.

28. The Office of the Prosecutor regrets that Mr. Kayishema remains in custody in South Africa and there is not yet a timeline for his transfer to the Mechanism consistent with the arrest warrant. Relevant legal proceedings are under way in South Africa but have been repeatedly delayed. Hearings were conducted before the High Court in Cape Town in late 2023, then postponed to March 2024, then postponed until August 2024. The case has now been further postponed indefinitely. The Office strongly encourages South Africa to promptly carry out its international legal obligations under the statute and transfer Mr. Kayishema to the Mechanism's custody so that he can then be transferred to Rwanda for trial. The victims have already waited 30 years for justice, and it is incumbent on the South African authorities to ensure that they do not have to wait any longer.

4. Progress in national investigations and prosecutions

29. During the reporting period, there have been notable developments in national investigations and prosecutions for crimes committed during the 1994 genocide against the Tutsi in Rwanda.

30. In Rwanda, there are currently 18 trials going on for genocide crimes at the High Court Special Chamber. Three genocide cases are currently on appeal at the Court of Appeal. During the reporting period, seven trial judgments and one appeal judgment were issued.

31. On 5 September 2024, the Rwandan High Court Special Chamber convicted Venant Rutunga of complicity in genocide and sentenced him to 20 years of imprisonment. Mr. Rutunga, who served as regional director at the Institut des Sciences Agronomiques du Rwanda, was convicted for assisting attacks against Tutsi refugees who sought safe haven at the Institute's complex in Rubona. In 2021, Mr. Rutunga was extradited to Rwanda from the Kingdom of the Netherlands, where he had been arrested in 2019 on the basis of a Rwandan arrest warrant.

32. On 30 October 2024, a French trial court convicted Eugene Rwamucyo of complicity in genocide and crimes against humanity and conspiracy to commit

genocide and crimes against humanity and sentenced him to 27 years of imprisonment. Mr. Rwamucyo, a medical doctor, was convicted for crimes committed in Butare.

33. On 10 June 2024, a Belgian court convicted Emmanuel Nkunduwimye for genocide and war crimes and sentenced him to 25 years of imprisonment. Mr. Nkunduwimye, a businessman, was convicted for crimes committed in Kigali and was an associate of *Interahamwe* leaders Robert Kajuga and George Rutaganda.

34. On 28 May 2024, trial proceedings in a court in the Kingdom of the Netherlands commenced in the case against Eugene Ntambara. Mr. Ntambara, who has resided in the Kingdom of the Netherlands since 1998, is charged with crimes committed in Gatobotobo.

C. National justice for crimes committed in the former Yugoslavia

1. Yugoslavia Tribunal completion strategy

35. As the Prosecutor of the International Tribunal for the Former Yugoslavia emphasized in his final report on the Tribunal's completion strategy (S/2017/1001, annex II), it had always been foreseen that the completion of trials under the Yugoslavia Tribunal and the Mechanism would not be the end of justice for war crimes committed in the former Yugoslavia, but the beginning of the next chapter. Further accountability for the crimes now depends fully on the national authorities in the countries of the former Yugoslavia. The work of the Tribunal has created a solid foundation for national judiciaries to continue implementing the completion strategy and securing justice for more victims.

36. National judiciaries have achieved progress in accountability for war crimes, albeit unevenly between different countries. Looking forward, national judiciaries continue to face a very large backlog of war crimes cases to process, with several thousand cases remaining across the region. Most importantly, much more remains to be done to bring to justice senior- and mid-level suspects who worked together with or were subordinate to senior war criminals prosecuted and convicted by the Tribunal.

37. In September 2024, the Prosecutor of the Mechanism undertook a concerted series of missions to Bosnia and Herzegovina, Croatia, Montenegro and Serbia. Through meetings with senior officials from all four countries, events such as the annual conference of regional war crimes prosecutors, media appearances and engagements with the diplomatic community, the Prosecutor sought to bring visibility and attention to justice for war crimes. He aimed to inject urgency and encourage a new dynamic, recognizing that almost three decades had passed since the end of the armed conflicts in Bosnia and Herzegovina and Croatia. The Prosecutor also worked to achieve agreement and support for solutions to challenges in regional cooperation.

38. Without exception, the response from high-level interlocutors was that national commitments to accountability remained firm. The countries of the region recognize their responsibilities and have a clear understanding that justice is critical, for the victims, for reconciliation and for the rule of law. Agreements were reached on concrete steps forward that will be backed up by political and technical support, including with respect to the transfer of cases involving unavailable suspects and accused from Bosnia and Herzegovina to other countries in the region. Prosecutors and government officials reported that the assistance provided by the Office of the Prosecutor was valued and was having a significant impact. They requested that this cooperation be even further strengthened, recognizing the difference that support from the Office made in ensuring accountability.

2. Regional judicial cooperation

39. Judicial cooperation between the countries of the former Yugoslavia is essential for ensuring that those responsible for war crimes are held accountable. Many suspects are not present in the territory where they are alleged to have committed the crimes, and extradition is blocked. Cooperation to transfer investigations and indictments is thus essential to achieve justice. As reported in the Mechanism's thirteenth progress report (S/2018/1033, annexes I and II), regional judicial cooperation in war crimes matters between the countries of the former Yugoslavia has been at its lowest level in recent years.

40. Together with regional prosecutors and authorities, the Office of the Prosecutor has been working intensively over the last several years to reverse this trend. As noted in the twenty-first progress report (S/2022/866, annexes I and II), these efforts continue to generate notable improvements in regional cooperation in war crimes cases between Bosnia and Herzegovina, Montenegro and Serbia. However, cooperation remains challenging in other respects. As prosecutors in both countries report, cooperation between Croatia and Serbia is at a standstill.

41. The Office of the Prosecutor has previously reported on the particular challenge of case files in Bosnia and Herzegovina that concern suspects and accused who currently reside in other countries in the region, predominately Croatia and Serbia. As these persons can only be brought to trial in the country where they currently reside, owing to the absence of extradition, such case files need to be transferred from Bosnia and Herzegovina to the country of current residence. There are approximately 100 accused persons against whom indictments have been filed in Bosnia and Herzegovina, as well as another approximately 400 suspects still awaiting investigation, the vast majority of which are cases of the Prosecutor's Office of Bosnia and Herzegovina.

42. During the reporting period, the Office of the Prosecutor and the Prosecutor's Office of Bosnia and Herzegovina discussed and agreed on the way forward. Regarding those persons for whom indictments have been confirmed, it was agreed to seek judicial decisions to transfer the indictments to the respective country that can bring the case to trial. Regarding those persons for whom investigations have not been completed, it was agreed that the Prosecutor's Office of Bosnia and Herzegovina would seek to transfer the investigative file to the respective prosecution service of the country where the suspect resides. Transferring investigations would be more efficient and effective, as the investigation could then be completed by prosecutors who would bring the cases to trial, enabling them to gather evidence in accordance with their national laws and develop a detailed understanding of the case and the evidence.

43. At the request of the Prosecutor's Office of Bosnia and Herzegovina, the Office of the Prosecutor then intensively engaged with partners to translate these proposals into practice. As part of his visits to Bosnia and Herzegovina, Croatia and Serbia in September, the Prosecutor briefed interlocutors on the matter and obtained their support. In Croatia, the Minister of Justice, Public Administration and Digital Transformation, Damir Habijan, and the State Attorney General of Croatia, Ivan Turudić, agreed that transferring such investigations from Bosnia and Herzegovina to Croatia for further processing should be prioritized, that the necessary prosecutorial resources would then need to be allocated and that Croatian authorities would appropriately process these cases. In Serbia, the Prosecutor met with the President of Serbia, Aleksandar Vučić, who reaffirmed Serbia's commitment to accepting and processing such cases so as to achieve justice and strengthen regional cooperation. Similarly, the Minister of Justice, Maja Popović, pledged that the Serbian authorities

would facilitate the transfer of indictments and investigations from Bosnia and Herzegovina and ensure that they were appropriately processed.

44. With this support, the Prosecutor travelled to Bosnia and Herzegovina for further discussions. He met with the High Judicial and Prosecutorial Council and representatives of victim associations from all three ethnic communities to update them on the initiative. All members of the Council welcomed the Prosecutor's efforts and the commitments made by the Croatian and Serbian authorities. It was agreed that cases concerning unavailable suspects and accused needed to be transferred as expeditiously as possible, and that this transfer process was in accordance with the Bosnia and Herzegovina National War Crimes Strategy. Participating victim representatives recognized the necessity of transferring these cases and expressed their support for the initiative. In addition, the Prosecutor met with the Minister of Justice, Davor Bunoza, and encouraged the Ministry of Justice to provide its political and technical support to this process, including by allocating sufficient ministerial resources.

45. The Prosecutor's Office of Bosnia and Herzegovina is now working to identify and transfer a first set of investigative files to Croatia and Serbia, consistent with the agreements reached. The Office of the Prosecutor of the Mechanism will follow this matter closely and provide further updates on progress.

46. In the cases already transferred through regional judicial cooperation, there is a notable trend of victims and witnesses failing to appear to testify in courts in neighbouring countries. While this trend is understandably attributable to the frailty of many witnesses due to old age and illness, it also reflects a measure of distrust in regional accountability efforts. Prosecutors, judges and other justice authorities all have vital responsibilities to move forward and facilitate this process, build witnesses' understanding of the transfer process and improve their confidence in the proceedings in order to ensure justice for the victims. The number of cases transferred and witnesses appearing in trials will demonstrate whether they are meeting these responsibilities.

47. The Office of the Prosecutor urges prosecution offices, judiciaries and justice ministries throughout the former Yugoslavia to rededicate themselves to improving regional cooperation in war crimes matters. The transfer of investigations and indictments from Bosnia and Herzegovina is an opportunity to demonstrate full commitment to ensuring greater accountability and strengthening relationships. This approach can also be applied elsewhere in the region where cooperation in recent years has suffered political interference and other barriers. For too long, cooperation between certain countries has been effectively non-existent, with the result that many perpetrators still enjoy impunity. With political will, backed by sufficient resources and clear strategies, the countries of the region can show victims that independent and impartial justice will be achieved.

3. Bosnia and Herzegovina

48. Throughout the reporting period, the Office of the Prosecutor continued its close cooperation with the Prosecutor's Office of Bosnia and Herzegovina, including through assistance on concrete cases, strategic support and activities to transfer lessons learned. The Prosecutor of the Mechanism visited Bosnia and Herzegovina from 23 to 25 September 2024 and had high-level discussions with the Minister of Justice, Davor Bunoza, the Acting President of the Court of Bosnia and Herzegovina, Minka Kreho, the Chief Prosecutor of Bosnia and Herzegovina, Milanko Kajganić, the High Judicial and Prosecutorial Council and representatives of victim associations.

49. In the present reporting period, the Prosecutor's Office of Bosnia and Herzegovina filed five indictments against four suspects, while four cases against 41 persons were terminated or closed owing to insufficient evidence. The Prosecutor's Office of Bosnia and Herzegovina further transferred one case against one suspect to a foreign country, while five cases against 11 suspects were transferred to entity level prosecution services. The remaining backlog at the Prosecutor's Office of Bosnia and Herzegovina consists of 231 cases against 2,466 persons. Of these, 118 cases are under investigation; the remaining cases are in the pre-investigative phase.

50. The Office of the Prosecutor is committed to continuing to support the work of the Prosecutor's Office of Bosnia and Herzegovina, particularly in the mutual goal of successfully implementing the National War Crimes Strategy. The Office is already providing direct case assistance to the Prosecutor's Office of Bosnia and Herzegovina, as well as responding to large numbers of requests for assistance. The Office of the Prosecutor of the Mechanism continues to develop this collaboration and cooperation in three key areas.

51. First, the Prosecutor's Office of Bosnia and Herzegovina has a significant backlog of 231 cases in the pre-investigative and investigative phases, of which 337 suspects are known to reside outside Bosnia and Herzegovina, primarily in Croatia and Serbia. In addition, of the more than 50 pending cases before the Court of Bosnia and Herzegovina, almost 80 accused are known to reside outside Bosnia and Herzegovina, again primarily in Croatia and Serbia. That is a total of more than 400 individuals suspected of or indicted for war crimes who need to be extradited to Bosnia and Herzegovina or prosecuted in their country of current residence. The Office of the Prosecutor of the Mechanism is working to facilitate the transfer of these proceedings, in particular key cases and files involving senior- and mid-level officials, to the jurisdictions where the suspects or accused reside for further processing. The Prosecutor's Office of Bosnia and Herzegovina has already identified 11 such cases for transfer. The Office of the Prosecutor of the Mechanism hopes to report on concrete progress in this area in the next reporting period.

52. Second, the Office of the Prosecutor continues to collaborate with the Prosecutor's Office of Bosnia and Herzegovina to advance its ongoing investigations and prosecutions. In 2023, the Chief Prosecutor of Bosnia and Herzegovina identified 24 priority cases with the goal of completing investigations and issuing prosecutorial decisions as expeditiously as possible. In March 2024, the Chief Prosecutor added an additional nine cases to the list of priority cases for the year. During the reporting period, the Office of the Prosecutor of the Mechanism directly assisted the Prosecutor's Office of Bosnia and Herzegovina with a number of these priority investigations and has provided one legal and analytical memorandum, evidentiary materials including 372 documents totalling 5,788 pages and two audiovisual files, and strategic advice.

53. Third, there are still significant impunity gaps that remain to be addressed by the Prosecutor's Office of Bosnia and Herzegovina. During the reporting period, as previously agreed with that Office, the Office of the Prosecutor of the Mechanism has handed over an investigative dossier concerning the involvement of a mid-level suspect for crimes committed during the conflicts in the former Yugoslavia. The transfer during this reporting period covers 16 incidents that form the basis of the suspect's responsibility for serious crimes, including war crimes and crimes against humanity. This investigative dossier provides the Prosecutor's Office of Bosnia and Herzegovina the basis on which to address a significant accountability gap. The Office of the Prosecutor expects to transfer the second part of the dossier concerning the individual criminal responsibility of the suspect in the next reporting period and will continue to provide the requested assistance in the meantime.

54. Overall, and taking into account the Yugoslavia Tribunal completion strategy, the next few years will be critical for delivering more justice for war crimes in Bosnia and Herzegovina. There remains a significant backlog of cases to investigate and prosecute, and it is clear that the remaining cases are likely to be among the most challenging. Completing this work, even under ideal circumstances, will take many years, and the passage of time only heightens the urgency to work more expeditiously. The Office of the Prosecutor of the Mechanism and the Prosecutor's Office of Bosnia and Herzegovina will also continue to strengthen their cooperation.

4. Croatia

55. During the reporting period, the Office of the Prosecutor continued to engage with the Croatian State Attorney General's Office and the Ministry of Justice. The Prosecutor visited Croatia from 1 to 3 September 2024 and held high-level meetings with the Minister of Justice, Public Administration and Digital Transformation, Damir Habijan, and the State Attorney General of Croatia, Ivan Turudić.

56. As previously reported, over the past decade Croatia's cooperation with national judiciaries in the region on war crimes cases has significantly worsened, and the efforts of the Croatian justice sector have concentrated on in-absentia prosecutions of ethnic Serbs. War crimes justice for victims of crimes committed by Croatian nationals residing in Croatia has largely come to a standstill. In previous reports dating back a number of years, the Office of the Prosecutor has highlighted the large backlog of pending requests for assistance submitted to the Croatian authorities. As a result, Croatian victims are not receiving meaningful justice, while Croatian perpetrators continue to enjoy impunity.

57. The Prosecutor continued to engage intensively with Croatian partners to resolve challenges and find a way forward. The time lost cannot now be regained. However, it is critical to recognize the common goal to ensure that those who committed war crimes during the conflicts in the former Yugoslavia are brought to justice and to work collaboratively to find solutions to enable more progress.

58. In discussions with the Minister of Justice, Public Administration and Digital Transformation and the State Attorney General, the Prosecutor discussed ways to improve cooperation in the processing of war crimes cases, particularly between Bosnia and Herzegovina and Croatia. The Minister of Justice confirmed that Croatia was committed to achieving justice for all war crimes victims, including by appropriately responding to the backlog of pending requests for assistance from Bosnia and Herzegovina. The Attorney General confirmed that his Office was committed to prosecuting all perpetrators regardless of nationality. It was agreed that more justice for war crimes was urgently needed and that victims rightly expected to see perpetrators punished for their crimes. As an opportunity to move forward, the Prosecutor highlighted the significant number of persons suspected of committing crimes in Bosnia and Herzegovina who currently resided in Croatia. The Prosecutor, the Minister of Justice and the Attorney General agreed that transferring such investigations from Bosnia and Herzegovina to Croatia for further processing should be prioritized, that the necessary prosecutorial resources would then need to be allocated and that the Office of the State Attorney General would appropriately process all cases that were transferred. They also agreed that improved regional cooperation was essential to achieving those goals.

59. Relatedly, the Office of the Prosecutor has been monitoring three category II cases that were transferred to Croatia from Bosnia and Herzegovina five years ago. Two such cases remain in the investigation phase. In the third, the Office welcomes that an indictment was filed during the reporting period against Nedjeljko Obradović. This result demonstrates that the Croatian justice sector has the capacity to utilize the

evidence gathered by the International Tribunal for the Former Yugoslavia to prosecute Croatian nationals suspected of committing crimes in Bosnia and Herzegovina. The Office will continue to monitor and report on the progress of the trial and trusts that prosecutorial decisions will be made expeditiously in the other two outstanding cases.

60. The Office of the Prosecutor discussed the large backlog of pending requests for assistance submitted to Croatian authorities by prosecutors in Bosnia and Herzegovina. Available information indicates that these requests still have not been responded to. Prosecutors from Bosnia and Herzegovina have further confirmed that this situation is obstructing the processing of investigations and trials. The Office trusts that the Croatian authorities will prioritize responding to these requests so that prosecutorial activities can be completed and the approximately 100 related cases can be transferred to Croatia for trial.

61. Overall, and taking into account the Yugoslavia Tribunal completion strategy, war crimes accountability in Croatia has not been on the right track. At the same time, the Croatian authorities have confirmed their commitment to achieving more justice, and there are a significant number of cases that provide opportunities to demonstrate this commitment in practice, including investigative files to be transferred from Bosnia and Herzegovina. The filing of an indictment against Nedjeljko Obradović is a positive step forward, and the remaining two category II cases can be also. The Office of the Prosecutor hopes that the Government of Croatia will take a fresh approach and serve as the model it should be.

5. Montenegro

62. During the reporting period, the Office of the Prosecutor has continued its engagement with the authorities of Montenegro. The Prosecutor visited Montenegro from 16 to 19 September 2024 and held high-level meetings with the President of Montenegro, Jakov Milatović, the Prime Minister, Milojko Spajić, the Minister for Foreign Affairs and Deputy Prime Minister, Ervin Ibrahimović, the Minister for European Affairs, Maida Gorčević, the Minister of Justice, Bojan Božović, the Supreme State Prosecutor, Milorad Marković, and the Special State Prosecutor, Vladimir Novović.

63. In his meetings, the Prosecutor of the Mechanism welcomed the new dynamic in Montenegro with respect to justice for war crimes. He recognized the whole-of-Government approach to this important topic, which reflected broad political support. He further expressed his satisfaction with the excellent cooperation between his Office and the Special State Prosecutor's Office. The Prosecutor of the Mechanism noted that there were now high expectations for results in investigations and prosecutions and expressed his trust that these expectations would be met. In all meetings, Montenegrin interlocutors recognized the strong partnership between Montenegro and the Office. They reaffirmed Montenegro's commitment to achieving justice for war crimes committed during the conflicts in the former Yugoslavia. In this regard, they welcomed the assistance provided by the Office to the Montenegrin authorities and expressed their wish that this cooperation be further strengthened.

64. The Special State Prosecutor's Office in Montenegro currently has three war crimes cases: one under investigation, one case pending confirmation of the indictment and one case at trial. Two cases relate to crimes committed in Bosnia and Herzegovina, and one relates to war crimes committed in Croatia. During the reporting period, one indictment against one suspect was filed, based on an investigative dossier provided by the Office of the Prosecutor of the Mechanism.

65. During this reporting period, the Office of the Prosecutor continued to provide extensive support to the Special State Prosecutor's Office in relation to the two

investigative dossiers the Office of the Prosecutor of the Mechanism had previously transferred. The joint task force comprising Montenegrin war crimes prosecutors and investigators and the Office of the Prosecutor continued its operations. During the reporting period, the Office provided direct case assistance to the Special State Prosecutor's Office by delivering two legal and analytical memorandums, offering strategic advice to advance the cases, and used its good offices to facilitate the cooperation of witnesses. The Office of the Prosecutor of the Mechanism will continue to provide the necessary assistance to the Special State Prosecutor's Office and looks forward to positive results.

66. Important reforms in domestic law to support justice for war crimes are needed to ensure the successful prosecution of war crimes cases in Montenegro. The Office of the Prosecutor's recommendation to amend the Criminal Procedure Code to allow for the admission of evidence from the Office was adopted during the reporting period. Additional reforms to facilitate the effective prosecution of conflict-related sexual violence cases have been discussed, and it was agreed that the Office would submit a corresponding proposal. The Office will continue to provide requested support to ensure progress in these and other important areas.

67. While war crimes justice in Montenegro is only beginning, Montenegrin authorities have accepted that far more needs to be done and have made clear commitments towards achieving more accountability for war crimes. Positive steps have already been taken and cooperation between the Office of the Prosecutor of the Mechanism and the Special State Prosecutor's Office is at a very high level. The Office of the Prosecutor of the Mechanism hopes to be able to report in the future that concrete results are being achieved for war crimes justice in Montenegro.

6. Serbia

68. During the reporting period, the Office of the Prosecutor continued its engagement and cooperation with the Serbian authorities. The Prosecutor visited Serbia from 3 to 5 September 2024, where he held high-level meetings with the President of Serbia, Aleksandar Vučić, the Minister of Justice, Maja Popović, and the Acting Chief War Crimes Prosecutor, Dušan Knežević, concerning the status of war crimes cases in Serbia and judicial cooperation in war crimes.

69. Nearly eight years ago, in its ninth progress report (S/2016/975, annex II), the Office of the Prosecutor reported that war crimes justice in Serbia was at a crossroads. Although some positive steps have been taken in the intervening period, progress has been limited and more determined efforts in Serbia are needed to meaningfully advance justice for war crimes. Notwithstanding the adoption of the prosecutorial strategy, as well as the allocation of additional human resources to the Serbian War Crimes Prosecution Office as reported in the Office's thirteenth progress report (S/2018/1033, annex II), the processing of war crimes cases since 2016 has not yet yielded the expected results. Over the past eight years, the number of prosecutions initiated has been low, with indictments issued predominantly against low-level direct perpetrators. Moreover, significant investigative resources have been devoted to cases involving unavailable suspects, even though a significant number of suspects, including senior- and mid-level officials, are available in Serbia for investigation and prosecution. More vigorous efforts are needed to ensure that the more complex cases against available suspects are prosecuted at a higher rate and higher quality.

70. Protracted proceedings are exacerbating delays in the processing of war crimes cases in Serbia. The Office of the Prosecutor notes with concern the slow pace of the ongoing proceedings in its two category II cases transferred to Serbia from Bosnia and Herzegovina. Very few witnesses have been heard even after a number of years, and based on current court sitting schedules, there is no realistic prospect that these

trials will be concluded within a reasonable time frame. This challenge is magnified by the fact that one of the accused is of advanced age. The Office encourages the Serbian authorities to improve the efficiency of their proceedings, including by increasing the frequency of court hearings, and to enhance conditions for the participation and protection of witnesses to achieve greater results in the processing of war crimes cases. Victims and survivors have legitimate expectations for justice to be delivered without undue delay.

71. At the same time, suspected war criminals continue to find safe haven in Serbia. As regularly reported in previous reports of the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia and the Office of the Prosecutor of the Mechanism, beginning with the completion strategy report of the Tribunal dated 19 November 2014 (S/2014/827, annex II), the enforcement of Novak Djukić's conviction entered by the Court of Bosnia and Herzegovina is still unresolved. In another category II case previously reported upon (S/2021/955, annex II), Mirko Vrućinić, who absconded in 2020 before the completion of his trial in Bosnia and Herzegovina, continues to enjoy impunity in Serbia. Likewise, Milomir Savčić, who was standing trial in Bosnia and Herzegovina for his alleged involvement in the Srebrenica genocide, fled to Serbia where he remains free. The inaction of the Serbian authorities in the face of this state of affairs and, on occasion, decisions to grant citizenship to known suspects, calls into question Serbia's commitment to war crimes justice, the rule of law and regional judicial cooperation.

72. During the reporting period, the Serbian War Crimes Prosecutor's Office issued five new indictments against five accused. As of the end of the reporting period, the Serbian War Crimes Prosecutor's Office had 19 ongoing war crimes trials. In addition, it had 31 open investigations and 28 cases in the pre-investigation phase, against a total of 73 suspects. Four first instance judgments were issued during the reporting period.

73. The Office of the Prosecutor continues to work actively with the Serbian War Crimes Prosecutor's Office to expedite and improve the processing of complex war crimes cases in Serbia. In relation to the files previously handed over by the Office of the Prosecutor of the Mechanism, the Serbian War Crimes Prosecutor's Office has formally opened investigations in relation to two suspects. The Office of the Prosecutor of the Mechanism hopes to report that the ongoing investigation of a third suspect will be concluded in the next reporting period. As regards the previously transferred file concerning Milenko Živanović, a former commander of the Drina Corps of the Bosnian Serb Army and the highest-ranking person in Serbia to be charged with war crimes, the trial continues. While steps are being taken to move these investigations and prosecutions forward, challenges remain. The Office of the Prosecutor will continue to support the Serbian War Crimes Prosecutor's Office to overcome these obstacles and ensure the successful resolution of these important cases.

74. While results have been limited in the past eight years, the Serbian War Crimes Prosecutor's Office has demonstrated the ability to initiate proceedings against senior- and mid-level officials and establish effective cooperation with regional partners, particularly with Bosnia and Herzegovina. It is critical that the Serbian authorities build on these positive steps to address the substantial backlog of cases, in particular complex cases involving high- and mid-level officials residing in Serbia. In addition, there are more than one hundred cases that will need to be transferred from Bosnia and Herzegovina to Serbia for prosecution. The Office of the Prosecutor of the Mechanism encourages the Serbian authorities to review and optimize the efficiency and effectiveness of relevant practices and procedures. Substantial accountability gaps remain. The victims, the public and other stakeholders rightly hope to see concrete advancements demonstrating a will to realize the commitments

made in the National War Crimes Strategy of Serbia. The Office hopes to report on tangible results and more meaningful progress over the next reporting periods.

D. Denial and glorification

1. Rwanda

75. In 2006, the Appeals Chamber of the International Criminal Tribunal for Rwanda held that the facts of the genocide committed in Rwanda were established beyond any dispute and thus constituted facts of common knowledge. In particular, the Appeals Chamber concluded that it was a universally known fact that, between 6 April 1994 and 17 July 1994, there was a genocide in Rwanda against the Tutsi ethnic group. Establishing that and other facts about the Rwandan genocide was one of the most important contributions of the Tribunal to re-establishing peace and security in Rwanda and promoting reconciliation between the affected communities.

76. Yet today, genocide denial continues. Efforts to minimize the scale of the death and destruction, or to detract attention from the judicially established facts of the genocide, are intolerable and unacceptable. There are no other facts or circumstances that in any way alter the truth that over a period of just 100 days in Rwanda, hundreds of thousands of innocents were senselessly targeted, murdered, tortured, raped and forced to flee their homes because they were Tutsi. Genocide ideology continues to present clear risks to international peace and security. Ideologies of discrimination, division and hate are factors promoting conflict and crimes in places all around the globe.

77. The Office of the Prosecutor firmly rejects genocide denial and is committed to promoting education and remembrance as key tools in the fight against genocide ideology. The Prosecutor continues to highlight the importance of these efforts. The Office further reiterates its commitment to vigorously investigate and prosecute those who interfere with witnesses with the aim of falsely undermining the established facts of the genocide committed in Rwanda.

2. Former Yugoslavia

78. The Office of the Prosecutor has regularly reported that the denial of crimes and the non-acceptance of facts established in the judgments of the International Tribunal for the Former Yugoslavia are widespread throughout the region of the former Yugoslavia. Convicted war criminals are often glorified as heroes. Students in various countries, including within Bosnia and Herzegovina itself, are taught widely different and irreconcilable versions of the recent past. Anniversaries of crimes committed during the conflict, which should be used as opportunities for remembrance and reconciliation, are often co-opted to promote denial, revisionism and the glorification of war criminals. Throughout the region, convicted war criminals regularly appear in the media, at round tables and at other public events as experts and featured speakers. The Office has expressed its grave concern in this regard and called for urgent attention to those issues. Acceptance of the truth of the recent past is the foundation for reconciliation and healing between communities in the former Yugoslavia.

79. Negative developments continued unabated during the reporting period. Denial of the judicially established facts of the 1995 Srebrenica genocide was heightened in the context of the adoption by the General Assembly of resolution [78/282](#), in which the Assembly designated 11 July as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica. In Bosnia and Herzegovina, Croatia and Serbia, senior government officials relativized and/or forcefully denied the genocide. According to the 2024 *Srebrenica Genocide Denial Report* prepared by the Srebrenica-Potočari Memorial Center and Cemetery for the Victims of the 1995

Genocide, which monitors incidents of genocide denial, the number of such incidents tripled around the time of the resolution's adoption. The intensity of these incidents highlights the deep-rooted resistance to accepting the truth and clearly demonstrates the still formidable barriers to meaningful reconciliation. The adoption of resolutions aiming to honour victims and formally recognize judicial decisions should be opportunities for common action, not nationalist narratives and revisionist histories.

80. Government officials throughout the region continued to relativize and deny the crimes committed during the conflicts and glorify convicted war criminals. Books celebrating convicted war criminals continue to be promoted by government officials and government resources. Such endorsement emboldens convicted and suspected perpetrators to continue their denial and revisionism and erodes the credibility and authority of judicial institutions, signaling a lack of commitment to accountability for such crimes. The glorification of war criminals has become pervasive in public spaces. Murals of Ratko Mladić continue to appear across Serbia and Bosnia and Herzegovina, with over 300 documented in Belgrade alone, alongside tributes to other convicted war criminals.

81. These are not the words and acts of the margins, but of the political and cultural centres of the region's societies. The glorification of war criminals and revisionist denials of recent atrocities have been mainstreamed to a shocking degree, encouraged and supported by leaders from all communities. These actions not only impede reconciliation but also reinforce divisions and mistrust, posing significant obstacles to achieving lasting peace and justice.

82. The Office of the Prosecutor calls upon all officials and public figures in the region to act responsibly and put the victims and civilian suffering at the forefront in all activities. They should publicly condemn the denial of crimes and glorification of war criminals, rather than engaging in denial and glorification and supporting such efforts with public rhetoric, divisive actions and funds. A break with the rhetoric of the past is long overdue and leadership in favour of reconciliation and peacebuilding is urgently needed.

E. Missing persons

83. The search for persons still missing from the conflicts in the former Yugoslavia continues to be consistently identified as one of the most important outstanding issues. Significant results have been achieved, with approximately 30,000 missing persons found and identified. Unfortunately, the families of more than 12,000 missing persons still do not know the fates and whereabouts of their loved ones. The search for and exhumation of remains from mass graves and the subsequent identification of the remains need to be accelerated. Further progress on these issues is a humanitarian imperative and fundamental to reconciliation in the former Yugoslavia. Missing persons from all sides of the conflicts must be located, identified and returned to their families.

84. During the reporting period, the Office of the Prosecutor and the International Committee of the Red Cross (ICRC) continued their cooperation pursuant to the memorandum of understanding signed in October 2018. This important agreement enabled ICRC to access the Office's evidence collection to obtain information that may assist for purely humanitarian purposes in clarifying the fate and whereabouts of persons who are still missing. The Office and the ICRC worked jointly, in accordance with their respective mandates, to analyse information, identify new leads and provide files to domestic missing persons authorities for action. From 16 May to 15 November 2024, the Office responded to 29 requests for assistance from ICRC, and handed over 432 documents comprising over 10,000 pages as well as 6 audiovisual records.

85. The Office of the Prosecutor reached an important milestone during the reporting period by finishing its last searches for missing persons' names as requested by ICRC, bringing the Office's contribution to the joint project to a timely completion. In the six years since initiating its cooperation with ICRC in October 2018, the Office searched for information in its evidence collection concerning over 12,000 missing persons. Overall, the Office shared approximately 500,000 pages of evidence, as well as a large volume of photographs and audiovisual material, with ICRC. ICRC continues to analyse information provided by the Office. The Office continues to support the efforts of ICRC to find missing persons by responding to additional requests for assistance. The Office furthermore continues to provide extensive investigative assistance and operational support to national authorities searching for missing persons

86. Support provided by the Office of the Prosecutor contributed to the overall process of clarifying the fate and whereabouts of missing persons. In addition to providing information about missing persons, the evidence provided by the Office under the joint project significantly contributed to locating grave sites, correcting misidentifications and helping to identify bodies that were in mortuaries in the former Yugoslavia region as unidentified. During the reporting period, information from the Office assisted in clarifying the fate and whereabouts of 34 missing persons.

F. Capacity-building

87. The Office of the Prosecutor continued its efforts, within its existing limited resources, to build capacity in national judiciaries prosecuting war crimes. The Office's focus is on the Great Lakes region and the former Yugoslavia. Strengthening national capacities supports the principle of complementarity and national ownership of post-conflict accountability.

88. Within the limits of its operational capacity and existing resources, the Office of the Prosecutor will continue to engage with training providers and donors to ensure that appropriate practical training on investigative and prosecutorial techniques in war crimes justice is made available. The Office expresses its deep gratitude to partners for providing financial, logistical and other support to enable the Office's capacity-building and training efforts.

III. Other residual functions

89. On 21 May 2024, the Appeals Chamber issued its decision on the request for review filed in the case of *Prosecutor v. Gérard Ntakirutimana*.

90. Mr. Ntakirutimana had been convicted by the Trial Chamber of the International Criminal Tribunal for Rwanda on 21 February 2003 for genocide and crimes against humanity and sentenced to 25 years of imprisonment. On 13 December 2004, the Appeals Chamber of the Tribunal, inter alia, affirmed Mr. Ntakirutimana's convictions of committing genocide and murder as a crime against humanity, entered additional convictions for aiding and abetting genocide and extermination as a crime against humanity, and affirmed his sentence of 25 years of imprisonment. On 26 March 2014, Mr. Ntakirutimana was granted early release.

91. Nearly 10 years after his early release, Mr. Ntakirutimana filed his request for review on 14 December 2023, arguing that three new facts obtained in 2009 and 2013 cast sufficiently serious doubt on the merits of his conviction on appeal for the murder of Charles Ukobizaba and participation in the attacks on Gitwe Hill and the Mubuga Primary School, and requesting the Appeals Chamber to hold a review hearing. The

Prosecution responded on 22 February 2024, arguing that Mr. Ntakirutimana had failed to establish new facts warranting review proceedings, that, even if proven, the facts could have no impact on his convictions nor would have resulted in a miscarriage of justice, and that the “unexpected delay” in the filing of the request for review weighed in favour of respecting the finality of the findings in this case.

92. In its 21 May 2024 decision on the request for review, the Appeals Chamber decided that review was not warranted on the basis of two of the three alleged new facts. However, with regard to one alleged new fact, the Appeals Chamber decided that a review of the Appeal Judgment was warranted in relation to Mr. Ntakirutimana’s convictions based on the events at Gitwe Hill, near Gitwe Primary School. The Appeals Chamber further decided that a review hearing to consider evidence on the alleged new fact would be held. Pursuant to the Appeals Chamber’s scheduling order dated 18 September 2024, the review hearing will be held from 18 to 22 November 2024 in Arusha, shortly after the end of the reporting period.

93. In response to the Appeals Chamber’s decision on the request for review, the Prosecution has been urgently preparing for the review hearing and conducting investigations. During the reporting period, the Prosecution filed 10 motions and requests related to the review proceedings. The Prosecution also responded on 18 July 2024 to Mr. Ntakirutimana’s request for reconsideration of the decision on the request for review filed on 5 July 2024. The request for reconsideration was rejected by the Appeals Chamber on 18 September 2024.

94. The unanticipated request for review and the review hearing has required significant resources of the Office of the Prosecutor to litigate. Nonetheless, the Office was able to absorb these unanticipated requirements within existing resources, particularly through the one-office policy and by asking staff to take on additional workload.

95. During the reporting period, the Office of the Prosecutor worked to implement the Single Judge’s decision of 29 February 2024 referring the case of *Prosecutor v. Šeselj et al.* to Serbia for trial. The Office prepared for the transfer of material relating to the unlawful publication of a large volume of confidential information of the International Tribunal for the Former Yugoslavia, including information revealing the identities of dozens of protected witnesses, and relating to the failure to comply with cease and desist orders issued by the Mechanism. The Office also liaised with the Registry to identify the relevant witnesses. The Office further responded to a Registry submission regarding the Office’s request to the Registry for judicial records to be transferred. Since 29 February 2024, the Office has filed a total of four submissions for the purpose of implementing the Single Judge’s transfer order.

96. During the reporting period, the Office of the Prosecutor continued to litigate matters related to the case of *Prosecutor v. Kabuga*, which has been stayed indefinitely. The Office filed three submissions in this case.

97. With respect to applications by convicted persons for early release, during the reporting period the Office of the Prosecutor filed three submissions in relation to one such application.

IV. Management

98. The Office of the Prosecutor is committed to managing its staff and resources in line with the Security Council’s instructions that the Mechanism be a small, temporary and efficient structure. The Office continues to be guided by the Council’s views and requests as set forth, inter alia, in paragraphs 18 to 20 of resolution [2256](#)

(2015), paragraphs 7 and 8 of resolution 2422 (2018) and paragraphs 7, 9 and 10 of resolution 2637 (2022). An important part of those efforts is the Prosecutor's one-office policy to integrate the staff and resources of the Office across both branches. Under this policy, staff and resources are available to be flexibly deployed to work on matters arising from either branch as necessary.

99. The Office of the Prosecutor has reduced its resources and staff consistent with the completion of the final case transferred from the International Criminal Tribunal for Rwanda (*Prosecutor v. Félicien Kabuga*) and the completion of fugitive tracking. On 30 June 2024, the Office downsized its staffing by one P-5, three P-4, three P-3 and four P-2 positions, as well as two Field Service, five General Service (Other level) and two Local level. This followed additional reductions in 2023 after the delivery of the *Stanišić and Simatović* Appeal Judgment.

100. As the Office of the Prosecutor continues to maintain a lean staffing structure, the Office is regularly confronting workloads that exceed its resources, placing a heavy burden on staff. As the Office cannot defer mandated activities, particularly when national partners are relying on the Office to support the expeditious completion of their investigations and prosecutions, Office staff members have been required to take on additional responsibilities and work extensive hours. The Office is grateful for the continued dedication and commitment of its staff. Nonetheless, the Office underscores that full approval of its limited budget requests is necessary to ensure the achievement of the Office's mandated functions.

V. Conclusion

101. During the reporting period, the Office of the Prosecutor carried out its mandated functions, with a particular emphasis on its mandate under article 28 (3) of the statute to assist national prosecutors. The Prosecutor General of Rwanda and national war crimes prosecutors in the former Yugoslavia continue to emphasize that assistance from the Office of the Prosecutor is vital and necessary for them to investigate and prosecute more cases in national courts. The authorities in Rwanda are still seeking to bring to justice more than one thousand fugitive *génocidaires*, while prosecutors in the former Yugoslavia still have more than one thousand suspected war criminals to investigate and prosecute. By responding to requests for assistance and providing a wide range of legal, investigative, prosecutorial and strategic support, the Office enables Member States to achieve more justice for the crimes committed, implement their national priorities and strengthen the rule of law.

102. In all of its endeavours, the Office of the Prosecutor relies on and gratefully acknowledges the support of the international community and especially of the Security Council of the United Nations.