



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

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

STATEMENT

PRESIDENT

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

Potočari, 11 July 2024

Judge Graciela Gatti Santana, IRMCT President Remarks for 29th Commemoration of the Srebrenica Genocide Thursday, 11 July 2024

**Esteemed survivors and families of victims,
Excellencies,
Ladies and gentlemen,**

This year – today – presents an important milestone for the commemoration of the Srebrenica Genocide, being the first time that the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica is being marked, following the adoption of the relevant resolution by the United Nations General Assembly in May.

The horrifying events that took place in and around Srebrenica in July 1995 have shocked human conscience. According to what has been judicially established, almost 8,000 Bosnian Muslim men and boys were executed and up to 30,000 Bosnian Muslim women, children and elderly were forcibly transferred from this area, in the course of little more than one week. These events were characterised by, and I quote, a "level of brutality and [...] depravity not previously seen in the conflict in the former Yugoslavia", as the Presiding Judge of one trial chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) remarked during the pronouncement of its judgement.

As independent judicial institutions, the ICTY and the International Residual Mechanism for Criminal Tribunals (Mechanism) were primarily concerned with determining the individual responsibility of accused persons, including those charged with crimes relating to Srebrenica. During the proceedings, the Judges were also presented with more general, contextual evidence, which allowed them to reach conclusions on the sequence of events and to establish the facts of what happened.

Following their exhaustive analysis of vast amounts of evidence, in a number of cases the independent and impartial Judges found that the acts committed in Srebrenica constituted acts of genocide. Ultimately, the ICTY and the Mechanism convicted seven persons, belonging to high levels of the military and political structures of the time, for the crime of genocide. Five of them received life sentences. In making these determinations, and as recognised in the General Assembly



resolution, the two Tribunals significantly contributed to fighting impunity and ensuring accountability for genocide and other international crimes.

Although the Mechanism has now concluded all of its core crimes cases, I am confident that national jurisdictions will keep pursuing accountability, sending a strong message to perpetrators in the region and worldwide that impunity will not prevail. For its part, the Mechanism is committed to further assisting national jurisdictions in delivering justice for the Srebrenica Genocide and other crimes committed during the conflicts in the former Yugoslavia.

However, it should be remembered that justice for international crimes is linked to broader goals that extend beyond accountability. When it created the ICTY, the Security Council expressed the conviction that the establishment of an international criminal tribunal would contribute to the restoration and maintenance of peace in the region. And while it is of fundamental importance, justice is only one link in this process. Being able to restore societies affected by conflicts requires continued focus and investment, and the involvement of various stakeholders.

In this respect, the recent General Assembly resolution notes that the prosecutions by the ICTY, the Mechanism and national courts remain central to the process of national reconciliation and trust-building, and to the restoration and maintenance of peace. It also urges United Nations Member States to preserve the established facts through education and memorialisation, “towards preventing denial and distortion, and occurrence of genocides in the future”.

Because the reality is sometimes disheartening, to say the least. Twenty-nine years after the Srebrenica Genocide, denial, historical revisionism, and the glorification of convicted persons persist, and continue to gain support. Such phenomena are devastating for the victims and only serve to trap affected communities in long-standing patterns of ethnic tension, thereby harming the entire region.

Action must be taken to stop the voices of hatred. The judicial findings of the ICTY and the Mechanism, which have helped to establish an irrefutable historical record, are a valuable tool in this context. For national reconciliation and trust-building to flourish, it is critical that these findings be accepted and become part of the public discourse, as well as educational efforts. Indeed, acknowledging the past, spreading the truth, and educating the public is the only way to move forward, and even more so when it comes to young people who did not experience the events first-hand. This is why consolidating the legacy of the Mechanism and the ICTY is one of my top priorities. Where possible, we will continue promoting the use of that legacy towards achieving the goals of education and remembrance.

However, I wish to emphasise that we all have a part to play in such processes. It falls to each of us to inform ourselves about the events that occurred; to respond with empathy to the human suffering that was endured; and to push back firmly against those who seek to perpetuate division. This is also a responsibility for the leaderships of the countries of the former Yugoslavia, which should realise that the short-term political benefits of spreading hatred cause long-term damage. I hope the courageous shifts of mindset that are needed will materialise sooner, rather than later.



In closing, I reiterate my utmost respect and admiration for the victims and survivors. The horrors that occurred 29 years ago continue to reverberate and can never be forgotten. But your extraordinary bravery, resilience, and strength are expressions of the best of humanity, and I believe these are the qualities that must – and will – guide this region in the future. I would also like to extend my heartfelt condolences to the families of the victims, in particular those who will be laid to rest later today. I hope that this final act of farewell to your loved ones brings you some measure of solace.

Thank you sincerely for your attention.
