



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)

Arusha, The Hague, 16 October 2024

ADDRESS TO THE UNITED NATIONS GENERAL ASSEMBLY JUDGE GRACIELA GATTI SANTANA, PRESIDENT, INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

Mr. President,

Excellencies,

Ladies and Gentlemen,

I am honoured, as President of the International Residual Mechanism for Criminal Tribunals, to present our twelfth annual report. I warmly congratulate His Excellency Mr. Philémon Yang of the Republic of Cameroon on his election as President of the 79th session of the General Assembly. President Yang, I wish you success in fulfilling this vital and challenging role. Today's global issues are complex and urgent. In opening the general debate of the 79th session of the General Assembly, the Secretary-General lamented that the level of impunity in the world is politically indefensible and morally intolerable. Your vision to foster "Unity in diversity", while advancing peace, sustainable development, and human dignity for all will be key to our advancement as united nations.

Your dedication to promoting peace and safeguarding human dignity resonates deeply with me and is in harmony with the wider mandate of the Mechanism. The tribunals for the former Yugoslavia and Rwanda, whose responsibilities the Mechanism inherited, were established primarily to bring perpetrators to justice and combat impunity for the gravest international crimes. But more broadly, upholding human dignity – especially for the courageous witnesses, many of whom were victims – remains central to our mission.



Mr. President,

Having provided tangible justice in the wake of shocking violence witnessed in the latter half of the 20th century, the tribunals for the former Yugoslavia and Rwanda and, now the Mechanism, serve as the cornerstone for accountability for international crimes today. Our proceedings have resulted in the authoritative interpretation and application of the Genocide Convention and international humanitarian law. The dedication and ingenuity of our judges, prosecutors and defense attorneys, and our accomplished staff – from so many of the countries represented in this grand hall – ensured that these trials adhered to the highest standards of fairness. Today, the sophisticated practice of pursuing international criminal justice draws directly from the work of these tribunals, which the UN General Assembly has supported since their inception.

The Mechanism has concluded the core crimes cases it was intended to complete. No one indicted for the heinous crimes under its jurisdiction remains at large. Our jurisprudence is being applied by other international and national courts. The UN's commitment to ensure our financial backing is why these significant milestones have been achieved. It is why international criminal justice is no longer just the hopes of victims and academic discussion.

The justice cycle, however, is long, and there is still important work to conclude. The Mechanism remains mandated by the Security Council to protect and support victims and witnesses, supervise the enforcement of sentences of convicted persons, maintain the archives of these tribunals, and assist States pursuing fugitives and trying perpetrators from these conflicts. This work does not get the same attention generated by the trials and appeals that preceded, but that does not make it less important. Properly concluding our mandate is essential to safeguarding the entire justice cycle. Your support is critical.

Mr. President,

As outlined in the annual report before you, last year's conclusion of active core crimes trials and appeals has not ended the Mechanism's judicial responsibilities.

The Trial Chamber seised of the case against Félicien Kabuga, whose proceedings were indefinitely stayed because he was found unfit for trial, continues to oversee several key matters,



including monitoring his health, taking concrete measures to recover the legal aid funds provided for his defense, and assessing the possibility of his release. Given his health and the serious charges against him, identifying a suitable state for his provisional release remains a significant challenge, and work to this end is ongoing.

In addition, our judges remain seized of numerous requests for access to confidential information or modification of witness protective measures, due to a mounting need for key evidence to support domestic prosecutions of war crimes. Similarly, allegations of contempt and litigation seeking the review of a final judgment have also been on our judicial docket during the reporting period. The Mechanism must continue to fulfil these duties with diligence and in accordance with the highest legal standards.

Notably, the Appeals Chamber has authorized a review hearing in the case of Gérard Ntakirutimana for November at the Arusha branch of the Mechanism. Mr. Ntakirutimana is seeking a review of his convictions for genocide and crimes against humanity on the basis of new information that could, if proven, support overturning aspects of his convictions. The scope of these proceedings is limited, and they are expected to conclude swiftly, with a judgement anticipated soon after the hearing. Review of a final judgement remains a rare and extraordinary remedy. However, it is a fundamental right guaranteed by the Statute and the International Covenant on Civil and Political Rights. If this relief is warranted, the Mechanism must ensure that justice is done and done swiftly.

Our continued jurisdiction over contempt of court remains essential to ensuring witness protection and the integrity of our cases. However, it is important to recall that the Mechanism's Statute requires consideration of referring contempt cases to national jurisdictions. As outlined in the annual report, our judiciary recently referred one such case to Serbia. I am happy to announce that since the submission of the annual report, a second contempt case has been referred to Belgium.

Moreover, the Mechanism retains an ongoing responsibility to supervise the enforcement of sentences of individuals convicted by the Mechanism and its predecessor tribunals. This function is vital to the justice cycle. It ensures that conditions of imprisonment adhere to international standards of detention and that applications for early release, pardon, or commutation of sentences are adjudicated in accordance with established international law and procedure.



Mr. President,

The critical functions of the Mechanism extend beyond our judicial activities. Until the Security Council decides otherwise, the Mechanism is tasked with managing and preserving the archives of its predecessor tribunals and those of its own judicial proceedings. These archives are a living repository of information and history that contribute to shaping the future of international justice and are a vital tool in combatting genocide denial and divisive ideologies that seek to distort the past and sow discord. Through our website, public databases, and library, we ensure that the truth of what happened is accessible to all. We will continue to support stakeholders seeking to establish information centres for this same purpose.

The Mechanism is equally committed to supporting domestic jurisdictions that are now at the centre of trying atrocity crimes stemming from the 1994 Genocide against the Tutsi in Rwanda and the conflict in the former Yugoslavia. The Mechanism is mandated to deliver assistance to these national efforts and will continue to do so until the Security Council decides otherwise.

Finally, state cooperation remains key to the Mechanism's continued success. I would like to take this opportunity to thank Member States for the vital support that the Mechanism receives from them, including, in particular, in the area of sentence enforcement. Nevertheless, a definitive solution for the six individuals who have been released or acquitted and are currently in Niger remains to be found. The cooperation of Member States is essential to finding a durable solution.

Mr. President

Our foundational document – Security Council resolution 1966 of 2010 – is unambiguous that the Mechanism was established to be temporary and efficient. Closing, however, is no easy task, given the unprecedented scope of the functions and caseload that the Mechanism inherited from its predecessor tribunals.

The Mechanism is mandated to operate on two continents and must fulfil the continuous responsibilities that follow from charging more than 250 individuals with international crimes. The breadth of our inherited responsibilities eclipses those of other previous and existing international and internationalized residual tribunals, even when taken together. The cases received evidence from more



than 6800 witnesses, approximately 3200 of whom were subject to protective measures, and generated records that are estimated to ultimately reach 9 kilometres in length. As the President, I currently supervise sentence enforcement for 42 convicted persons serving their sentences in 12 States and there are six additional convicted persons that remain under the Mechanism's jurisdiction.

Nevertheless, the Mechanism has reduced its requirements while continuing to fulfil its mandate. Between January 2020 and the end of this year, the Mechanism will have reduced its staffing by around 60 percent and cut its budget by more than 30 percent. We are mindful that resources are limited. Therefore, we learn from past practice, adapt and reduce in ways that allow essential work to continue at lower costs and with less staff. Allow me to share a few tangible examples of this from the last year:

- Last month, the Mechanism reduced its institutional footprint when the Kigali Field Office ceased operations. This did not occur, however, at the human cost of ending the medical and psychosocial assistance that this office had provided to more than 500 vulnerable victims and witnesses. Instead, the Mechanism ensured the continuity of this service through extensive and sustained engagement with the Government of Rwanda, which took over this important support.
- In June, the Mechanism closed its External Relations Office, with the remaining responsibilities distributed among existing resources. In addition, the Registry combined the Judicial Records Unit and the Archives Records Section to create a dynamic, more flexible team that is responsive to our changing requirements in our truly residual phase.
- The Registrar and I have also agreed to establish clearer and more efficient lines of communication between the Mechanism and sentence enforcement states and monitoring bodies, cutting through unnecessary formalities to avoid duplication of work internally.

The need to reduce is challenging. Saying goodbye to diverse, hardworking, and ingenious staff members who have dedicated their careers to upholding justice is painful. Nevertheless, our focus on justice has not strayed. Our resource reductions have not prevented us from fulfilling our mandate, as we have coordinated them with reductions in the scope of our work. As reflected in the annual report, the Office of Internal Oversight Services recently evaluated our work and issued its report in February.



The report spoke positively of our engagement with key stakeholders on our key remaining residual functions: assistance to domestic prosecutions, the supervision of enforcement of sentences, and facilitating access to the Mechanism's archives.

Mr. President,

To continue delivering results, the Mechanism requires sufficient resources and some time. There are limits to optimisation. Time is required to substantially reduce the costs for an institution that is mandated to operate on two continents and inherited functions of unprecedented scope when compared to any other residual international tribunal. Nevertheless, our budget for 2025 will be smaller than 2024 even though the anticipated workload remains essentially the same. The Mechanism is committed to finding further, substantial cost savings while maintaining the highest standards of justice, and a cross-organ working group is already searching for such reductions going forward.

I assure you that, as our mandated responsibilities and footprint continue to diminish, so too will our future budget requests. Furthermore, in renewing our mandate this year, the Security Council, in resolution 2740, requested that the Secretary-General deliver reports by the end of 2025 on the transferability of the Mechanism's functions on the supervision of enforcement of sentences and assistance to national jurisdictions and on the possible locations for the Mechanism's archives. We are committed to supporting the Secretary-General in the preparation of these reports, so that any transfer of these functions will happen in a way that ensures that the justice cycle is concluded appropriately.

Mr. President,

While our journey is not complete, our focus has shifted towards streamlining our operations and the possible transfer of our functions in a way that assures that fairness will prevail, witnesses will continue to receive support and protection, sentences will be enforced fairly and in line with international standards, states will be supported in their pursuit of justice locally, and the integrity and accessibility of our archives ensured. The tribunals for the former Yugoslavia and Rwanda, and then the Mechanism, were created because the international community, through the United Nations, said that they cannot accept genocide, rape, and the killing of civilians as weapons of war. Our residual activities show the world's resolve to see this essential mission through, to prevent the revision of history, and to



provide hope that our future can be different. With your support, we will show the world's people that we, the United Nations, fulfil our promises and demonstrate that justice, even at the end, will be done.

I thank you sincerely for your attention.

International Residual Mechanism for Criminal Tribunals

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