

Table 2
Videoconference: United Nations peacekeeping operations

Videoconference date	Videoconference record	Title	Decision, vote (for-against-abstaining) and record of written procedure
24 May 2021	S/2021/501	Letter dated 26 May 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	S/PRST/2021/11

23. International Residual Mechanism for Criminal Tribunals

In 2021, the Council held two meetings related to the work of the International Residual Mechanism for Criminal Tribunals.⁸⁵⁶ The two meetings took the form of a debate,⁸⁵⁷ and no decisions were adopted by the Council under the item in 2021. More information on the meetings, including on the participants and speakers, is given in the table below.

On 8 June, the Council heard the first semi-annual briefings by the President of the Mechanism and by its Prosecutor,⁸⁵⁸ in which they presented the latest assessment and progress reports on the work of the Mechanism,⁸⁵⁹ submitted pursuant to paragraph 16 of resolution 1966 (2010). At the outset, the President of the Mechanism announced that the its Appeals Chamber had just pronounced its judgment in the case against Ratko Mladić, dismissing Mr. Mladić's appeal and affirming his convictions, including for genocide, persecution and extermination, and his sentence of life imprisonment.⁸⁶⁰ The President added that, with that delivery, the Mechanism had taken another tremendous step towards the finalization of its core judicial work and that the case was a testament to what could be achieved through international justice processes when States had the will to cooperate and overcome geopolitical roadblocks. The President also provided updates with regard to the two other judgments to be issued during that month at the two branches of the Mechanism: the contempt case against Anselme Nzabonimpa and others in Arusha and the

Stanišić and Simatović retrial at The Hague. In addition, the President updated the Council on the case against Félicien Kabuga, who remained detained in The Hague following his transfer to the United Nations Detention Unit in October 2020. The President recalled that the Mechanism was mandated to carry out many other residual functions, among which was the supervision of the enforcement of sentences imposed by the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism itself. In that context, he expressed his deepest appreciation for the invaluable contribution of the 15 Member States in Africa and Europe that, in enforcing the sentence of one or more convicted persons, continued to assume significant additional responsibilities, despite the challenges brought by the COVID-19 pandemic. The President expressed hope that additional States would step forward and enter into enforcement agreements with the United Nations for that purpose. With regard to the situation of the acquitted and released persons in Arusha, the President underscored the fundamental importance that those individuals be resettled and expressed regret that a sustainable solution had yet to be found. The President also referred to his letter dated 11 May to the President of the Security Council,⁸⁶¹ in which he had informed Council members of the non-cooperation of Serbia with the Mechanism concerning the request by the International Tribunal for the Former Yugoslavia to execute arrest warrants in relation to Petar Jojić and Vjerica Radeta. He added that the country's inaction not only undermined the effective administration of justice before the Mechanism, but also defied the international community by challenging the Council's authority and the Charter of the United Nations.⁸⁶²

⁸⁵⁶ For more information on the International Residual Mechanism for Criminal Tribunals, see previous supplements covering the period 2018 to 2020; for issues considered under the item, see also previous supplements covering the period 1996 to 2007.

⁸⁵⁷ For more information on the format of meetings, see part II, sect. II.

⁸⁵⁸ See S/PV.8790.

⁸⁵⁹ S/2021/487, annexes I and II.

⁸⁶⁰ See S/PV.8790.

⁸⁶¹ S/2021/452.

⁸⁶² See S/PV.8790.

The Prosecutor opened his statement highlighting the conviction of Ratko Mladić, while acknowledging the work that the Mechanism still had ahead. He updated the Council on the remaining work of the Arusha branch and its priorities, especially on the *Kabuga* case and the investigations and preparations for the commencement of his trial. With regard to the six remaining fugitives indicted by the International Criminal Tribunal for Rwanda, the Prosecutor recalled that he had informed the Council a few years before that his Office was reforming and strengthening their fugitive tracking activities and that those efforts had produced results, including the arrest of Félicien Kabuga. While his Office had viable leads on all remaining fugitives, he added that the primary challenge was the lack of full and effective cooperation from Member States. Expressing determination to account for the remaining fugitives as quickly as possible, the Prosecutor said that, while his Office worked to resolve the challenges, the firm support of the Council would be vital. The Prosecutor reaffirmed that many other war crime perpetrators still needed to be held accountable for their crimes and that another strategic priority of his Office was to assist national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda. The Prosecutor ended his briefing by updating Council members on three important developments. First, the arrest of Kabuga had brought renewed attention to continuing national efforts to prosecute alleged génocidaires, and the Rwandan authorities had achieved important results in cases referred by the International Criminal Tribunal for Rwanda under rule 11 bis. Second, in both Bosnia and Herzegovina and Serbia, new national war crime strategies were being put in place, which were important opportunities to clearly demonstrate national commitment to full accountability. Finally, the Prosecutor brought to the Council's attention the issues of genocide denial and the glorification of war criminals both in Montenegro and Serbia and in Rwanda, calling for urgent action in that regard.

The Council discussed the progress achieved by the Mechanism during the reporting period. Speakers commended the Mechanism for maintaining the continuity of its work despite the constraints imposed by the COVID-19 pandemic on its activities. Council members noted in particular the expected delivery of three judgments during the month of June, including the judgment in the appeal case of *Prosecutor v. Ratko Mladić* confirming his convictions and sentence of life imprisonment. In that regard, the representative of the Russian Federation stated that his country attached great importance to safeguarding the rights of

individuals under detention, including the right to medical assistance, a position that the Council had specifically adopted in resolution 2529 (2020). He expressed regret that no information had been found on the current state of health of Mr. Mladić and insisted that a full independent examination and certification be conducted. Moreover, his delegation expected the appointment of an independent medical expert to assess the advisability of transferring Félicien Kabuga to the facilities of the Mechanism in Arusha and his capacity to stand trial. Several Council members⁸⁶³ expressed their continuous concern about ongoing reports of the denial of crimes and the glorification of perpetrators of genocide and war criminals convicted by international criminal tribunals. Some speakers⁸⁶⁴ welcomed the Mechanism's initiatives to raise awareness among affected communities and the young generations of the legacy of the criminal tribunals and the work being done. With regard to the challenges to the implementation of the mandate of the Mechanism, most Council members called for the strengthening of efforts by Member States to provide the Mechanism with the necessary assistance, thereby fulfilling their responsibility and obligations in accordance with Council resolutions, including in the search for fugitives at large. Furthermore, some speakers⁸⁶⁵ expressed concern about the Mechanism's referral of Serbia to the Council as a result of the country's non-compliance with regard to the surrender and arrest of two individuals, urging Serbia to comply with the Mechanism's order. Council members⁸⁶⁶ also encouraged the Mechanism to continue to implement effective steps to adhere to its schedule of completion of its judicial activity and other residual functions, thereby realizing the Council's vision of a small, temporary and efficient structure, whose function and site would diminish over time. In that connection, the representative of the Niger encouraged the management of the Mechanism to step up its efforts to implement the recommendations outlined in the 2020 report of the Office of Internal Oversight Services,⁸⁶⁷ as well as those outlined in the 2018 report,⁸⁶⁸ as those recommendations had been only partially implemented.

⁸⁶³ United Kingdom, Tunisia, Mexico, France, Saint Vincent and the Grenadines, Niger, Ireland and Estonia.

⁸⁶⁴ France, Niger and Ireland.

⁸⁶⁵ United Kingdom, Mexico, United States, France, Saint Vincent and the Grenadines, Ireland, Norway and Estonia.

⁸⁶⁶ Viet Nam, Tunisia, India, Saint Vincent and the Grenadines and China.

⁸⁶⁷ S/2020/236.

⁸⁶⁸ S/2018/206.

On 13 December, the Council heard the second semi-annual briefing by the President of the Mechanism and its Prosecutor,⁸⁶⁹ in which they presented the latest progress report on the work of the Mechanism.⁸⁷⁰ The President of the Mechanism opened his remarks by stating that, during the reporting period, resolution 2529 (2020) had been largely implemented and assured the Council that the Mechanism would keep advancing that process as they prepared for the next semi-annual review by the Council in 2022.⁸⁷¹ More specifically, the President drew attention to certain aspects of the resolution and how the Mechanism was implementing its provisions. Most notably, he stated that, during the reporting period, the Mechanism had been able to deliver on time all three judgments that had been projected for June of that year, namely, the appeal judgment in the *Mladić* case and the trial judgments in the *Prosecutor v. Jovica Stanišić and Franko Simatović* case and the *Prosecutor v. Anselme Nzabonimpa et al.* contempt case. The President noted that, as a result, the core driver of the Mechanism's activities – its pending judicial caseload – had further diminished and that the Mechanism had entered a new chapter in its operations. He added that, while the current cases on the docket and other mandated functions of the Mechanism would continue for the durations indicated in the progress report, the change in the active caseload was significant, as reductions in staffing and resources were a necessary consequence of the conclusion of key activities. Referring to paragraph 4 of resolution 2529 (2020), relating to the nine acquitted or released persons living in a safe house in Arusha, the President explained that, thanks to the exceptional efforts of the Registrar of the Mechanism and the exemplary cooperation of the Niger, an agreement had been reached between the Government of the Niger and the United Nations, in which the Niger had accepted for relocation on its territory all nine individuals, and that the agreement had already been implemented with respect to eight of the nine individuals. The President also referred to paragraph 2 of the resolution, wherein the Council more generally urged States to cooperate fully with the Mechanism. In that context, he called once more on Serbia to fulfil its international obligations by arresting and transferring Petar Jojić and Vjerica Radeta to the Mechanism.

The Prosecutor updated the Council on the main developments regarding the remaining trials and appeals at the Hague and the Arusha branches, which was his Office's first strategic priority. Regarding his

second strategic priority, the Prosecutor said that his Office continued to actively search for the remaining six fugitives indicted by the International Criminal Tribunal for Rwanda, in accordance with the Council's mandate. He stressed that the success of their efforts depended on the full and effective cooperation of Member States, and more specifically, of Zimbabwe and South Africa at that time. Regarding his Office's third strategic priority, namely, to assist national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda, the Prosecutor reported that his Office was receiving not only a high volume of requests for assistance but also requests of greater complexity and significance. As a final remark, the Prosecutor said that he once again brought to the Council's urgent attention the continued denial of crimes and the glorification of génocidaires and war criminals, which were used to prevent reconciliation, provoke hatred and destabilize peace and security and which condemned present and future generations to bear the burdens of the past.

Speakers acknowledged the progress reported in the ninth report of the Mechanism despite restrictions imposed by the COVID-19 pandemic. In that connection, Council members noted the decisions in the *Mladić* case, the judgments in the *Stanišić and Simatović* and the *Nzabonimpa* cases and the progress made in the *Kabuga* case during the reporting period. The representative of Viet Nam welcomed the President's commitment to the full implementation of resolution 2529 (2020), including by providing a clear projection of timelines for the completion of the Mechanism's judicial activities and other residual functions. Echoing Viet Nam, some Council members⁸⁷² commended the Mechanism for continuing to implement effective steps to adhere to its schedule of completion, thereby realizing the Council's vision of a small, temporary and efficient structure, whose functions and size would diminish over time. The representative of China expressed hope that the Mechanism would conduct its activities in accordance with the mandate set forth in Council resolutions, respecting in particular the projected timetable and completing the judicial proceedings for outstanding cases in a timely and efficient manner, while also allocating financial resources rationally and focusing on ensuring the fulfilment of judicial activities. The representative of the Russian Federation stated that the Mechanism was a temporary structure and created as such. He added that his delegation had not seen any concrete steps to bring the Mechanism's activities to a

⁸⁶⁹ See S/PV.8927.

⁸⁷⁰ S/2021/694.

⁸⁷¹ See S/PV.8927.

⁸⁷² China, Kenya, United States, Tunisia and Saint Vincent and the Grenadines.

close. Like the International Tribunal for the Former Yugoslavia, he said that the Mechanism was systematically prolonging all its trials and thereby artificially extending its existence. Given the Council's review of the activities of the Mechanism framework, he called on the leaders of the Mechanism not only to finally put together a plan for how the court would be brought to a close, but also to firmly keep to that plan. Council members commended the Government of the Niger for the assistance extended to the Mechanism regarding the nine acquitted and released persons residing in Arusha. In that connection, the majority of Council members recalled that States' cooperation with the Mechanism remained crucial for enabling the fulfilment of its mandates, in accordance with their international obligations, and called on States to assist and support the Mechanism, where needed, including in the search for fugitives at large. In a similar vein,

speakers⁸⁷³ continued to call on Serbia to comply with the arrest and surrender warrants issued in the *Jojić and Radeta* case and to condemn denials of genocide and the glorification of convicted war criminals.

During the period under review, the Council also took note of the intention of the Secretary-General to appoint the judges nominated to fill the vacancies resulting from the death of one judge and the resignation of another judge of the Mechanism for the remainder of the respective terms of office.⁸⁷⁴

⁸⁷³ Estonia, United Kingdom, Ireland, United States and Norway.

⁸⁷⁴ See [S/2021/674](#), [S/2021/675](#), [S/2021/1064](#) and [S/2021/1065](#). For more information on the actions of the Council concerning judges of the Mechanism, see part IV, sect. I.D.3 and part IX, sect. IV.

Meetings: International Residual Mechanism for Criminal Tribunals

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.8790 8 June 2021			Bosnia and Herzegovina, Croatia, Rwanda, Serbia	President of the International Residual Mechanism for Criminal Tribunals, Prosecutor of the Mechanism	All Council members, all invitees ^a	
S/PV.8927 13 December 2021			Bosnia and Herzegovina, Croatia, Rwanda, Serbia	President of the Mechanism, Prosecutor of the Mechanism	All Council members, all invitees	

^a Serbia was represented by its President, who participated in the meeting by videoconference. The President and the Prosecutor of the Mechanism also participated by videoconference.

24. Children and armed conflict

During the period under review, the Council held one meeting in connection with the item entitled "Children and armed conflict". The meeting was convened for the adoption of resolution [2601 \(2021\)](#) on the protection of education in armed conflict.⁸⁷⁵ More information on the meeting, including on the participants, speakers and outcome, is provided in table 1 below. In addition, Council members held one high-

level open videoconference.⁸⁷⁶ More information on the open videoconference is provided in table 2 below.

The high-level open videoconference, held on 28 June,⁸⁷⁷ was convened at the initiative of Estonia, which held the presidency for the month,⁸⁷⁸ in connection with the annual report of the Secretary-General on children and armed conflict.⁸⁷⁹ The

⁸⁷⁵ For more information on the format of meetings, including high-level meetings and videoconferences, see part II, sect. II.

⁸⁷⁶ For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II, sect. I, and *Repertoire, Supplement 2020*, part II, sect. I.

⁸⁷⁷ See [S/2021/617](#).

⁸⁷⁸ A concept note was circulated by a letter dated 8 June ([S/2021/541](#)).

⁸⁷⁹ [S/2021/437](#).