

^f Algeria, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Israel, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Serbia, Sierra Leone, Slovakia, Slovenia, Suriname, Sweden, Switzerland, Thailand and Türkiye.

25. International Residual Mechanism for Criminal Tribunals

In 2022, the Council held four meetings related to the work of the International Residual Mechanism for Criminal Tribunals.⁹⁶⁴ Of the four meetings, two took the form of debates, and two were convened for the adoption of a decision.⁹⁶⁵ The Council adopted one resolution under Chapter VII of the Charter of the United Nations in connection with the item. More information on the meetings, including on participants, speakers and outcomes, is given in the table below.⁹⁶⁶

On 31 March, the Council adopted a presidential statement in which it requested the Mechanism to submit, by 14 April, a report on the progress of its work since June 2020, including detailed schedules for the ongoing proceedings and factors related to projected completion dates for the remaining cases.⁹⁶⁷ In the presidential statement, the Council also requested the Informal Working Group on International Tribunals to carry out a thorough examination of the Mechanism's report and of the report on the evaluation of the methods and work of the Mechanism by the Office of Internal Oversight Services (OIOS), which was due by 31 March.⁹⁶⁸ The Council asked the Informal Working Group to present in its review its views and any findings or recommendations for the Council's consideration by 13 May.⁹⁶⁹ Furthermore, the Council noted with concern that, despite reaching an earlier agreement, the Mechanism continued to face problems in the relocation of acquitted persons and convicted persons who had completed their sentences. The Council emphasized the importance of the successful relocation of such persons and stressed its ongoing determination to combat impunity for those responsible for serious violations of international humanitarian law and the necessity for all persons indicted by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, including the remaining fugitives, to be brought to justice.⁹⁷⁰

On 14 June, the Council held a meeting in which it heard the first semi-annual briefings by the President of the Mechanism and by its Prosecutor.⁹⁷¹ At the meeting, the President and the Prosecutor presented their latest reports on the work of the Mechanism, submitted pursuant to paragraph 16 of resolution 1966 (2010). Addressing the Council for the last time before stepping down as President of the Mechanism, Judge Carmel Agius expressed his satisfaction with the significant progress accomplished during the reporting period, noting that there were only three main cases left, which represented a markedly reduced judicial workload compared with early 2019, and that appeal case proceedings were on track for completion within the projected time frames. In addition, the President highlighted the advances in the tracking of fugitives of the International Criminal Tribunal for Rwanda and their decisive impact on the Mechanism's operations and outlook. He said that, as a result of the efforts of the Prosecutor, only four fugitives were left, all of whom were expected to be tried in Rwanda. The President also highlighted progress in the enforcement of sentences and in the monitoring of cases referred to national jurisdictions, the number of which had been reduced from seven to two. The President noted that, parallel to the results, some setbacks had been experienced during the reporting period. In that connection, he reported that the binding agreement signed between the United Nations and the Niger to

⁹⁶⁴ For more information on the International Residual Mechanism for Criminal Tribunals, see previous supplements covering the period 2018 to 2021; for further information on issues considered under the item, see also previous supplements covering the period 1996 to 2007.

⁹⁶⁵ For more information on the format of meetings, see part II.

⁹⁶⁶ See also [A/77/2](#), part II, chap. 10.

⁹⁶⁷ [S/PRST/2022/2](#), fifth paragraph.

⁹⁶⁸ *Ibid.*, sixth paragraph.

⁹⁶⁹ *Ibid.*

⁹⁷⁰ *Ibid.*, ninth and tenth paragraphs.

⁹⁷¹ See [S/PV.9062](#).

relocate the acquitted and released persons to the territory of the Niger had not been honoured. He also mentioned the failure of Serbia to fulfil the international obligations under resolution 1966 (2010), as illustrated by the contempt case against Petar Jojić and Vjerica Radeta. In closing, the President stated that, like its predecessor tribunals, the Mechanism was part of a broader system that reflected a shared vision of justice and a determination that the crucial work of those tribunals would be seen through to the very end. He added that, after almost a decade of operations, the Mechanism was far closer to realizing the Council's vision of a small and temporary institution. He emphasized, nonetheless, that many of the Mechanism's activities, including a number of judicial functions, would extend into the foreseeable future and for long after the main cases had concluded, unless the Council decided otherwise. In that connection, it would be for the Council to determine the scope of the Mechanism's mandate and to decide if and when certain duties should more appropriately be discharged by others.

In his statement, the Prosecutor informed the Council that, in the previous two years, his Office had accounted for half of the fugitives who had remained at large following the closure of the International Criminal Tribunal for Rwanda, with only four fugitives remaining. He reported that, after several challenging years, progress was being made with South Africa and that an operational task team had recently been established to assist his Office in bringing the flight from justice of Fulgence Kayishema to an end. He added that his Office's goal was to account for all four outstanding fugitives by the time the Council next reviewed the work of the Mechanism. In addition, the Prosecutor provided updates on his Office's continuing efforts to complete the *Kabuga*, the *Fatuma et al.* and the *Stanišić and Simatović* cases. With regard to the mandate given by the Council to his Office to respond to requests for assistance from domestic investigators and prosecutors around the world, the Prosecutor affirmed that assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda continued to be a priority. He added that, as his Office moved closer to completing the last cases and accounting for the final fugitives, it was important to remember that thousands of cases still needed to be completed in national courts and that his Office's assistance was essential to completing that work. Furthermore, national prosecutors still faced other critical challenges, with regional judicial cooperation remaining the most significant issue in the former Yugoslavia. In that connection, the Prosecutor urged the countries concerned to significantly increase their cooperation in the search for missing persons, which was a humanitarian imperative. With respect to Rwanda, the Prosecutor said that the challenge was about, fundamentally, priorities and resources and, sometimes, a lack of political will. More broadly, in relation to both Rwanda and the countries of the former Yugoslavia, he said that genocide denial and the glorification of war criminals persisted and that there could be no tolerance for such behaviour, which insulted the victims and sowed the seeds for future conflict. In closing, the Prosecutor outlined the main findings of the ongoing review process and of the OIOS report and reported on the steps that had been taken to deliver on the mandate of his Office during the review period, including securing convictions in the trials in the *Stanišić and Simatović* and the *Nzabonimpa et al.* cases and in the *Mladić* appeal.

Following the briefings, the Council discussed the progress achieved by the Mechanism during the reporting period. At the outset, the representative of Gabon stated that, as requested in the statement by the President of the Council adopted on 31 March,⁹⁷² the President and the Prosecutor had in their status update attempted to show that the Council had been right to trust and invest in the Mechanism to bring justice to victims of international crimes in Rwanda and the former Yugoslavia.⁹⁷³ He added that the Mechanism had made considerable progress during the biennium despite the many challenges it had faced from the health crisis caused by the COVID-19 pandemic, a statement that was echoed by several Council members.⁹⁷⁴ By contrast, the representative of the Russian Federation expressed the view that the Mechanism had not made any progress in the planned completion of its activities and that there had been no real downsizing over the previous five years. He said that the results of the biennial review that was under way would determine the parameters of the further functioning of the Mechanism and that that process would help the leadership of the Mechanism to undertake the efforts necessary to draw down its work as soon as possible. Other Council members⁹⁷⁵ acknowledged the progress achieved by the Mechanism in judicial matters and its working methods during the reporting period, while encouraging the Mechanism to take the measures necessary to follow the projected timelines and to implement the remaining

⁹⁷² S/PRST/2022/2, fifth paragraph.

⁹⁷³ See S/PV.9062.

⁹⁷⁴ India, France, Ghana, United Kingdom, United States, Mexico, Kenya and Ireland.

⁹⁷⁵ India, France, United Kingdom, Mexico, United Arab Emirates, China and Albania.

recommendations in line with its mandate. In that regard, several members⁹⁷⁶ acknowledged the progress in the *Kabuga* case and said that they were looking forward to the completion of the trial. Some members⁹⁷⁷ were also looking forward to the judgments in the *Stanišić and Simatović* and the *Fatuma et al.* cases. Most Council members underscored the importance of judicial cooperation among national jurisdictions and between the States concerned, and of full cooperation with the Mechanism to enable it to complete its mandate. In that connection, several members⁹⁷⁸ expressed concern about the non-compliance by Serbia with the Mechanism's arrest warrant for the *Jojić and Radeta* case, and others⁹⁷⁹ urged States to help in the arrest and surrender of the four remaining fugitives indicted by the International Criminal Tribunal for Rwanda. Furthermore, many Council members⁹⁸⁰ expressed concern about the issue of the relocation of the acquitted or released persons and called upon the States concerned and the Mechanism to urgently find an appropriate solution. Members and non-members of the Council⁹⁸¹ condemned the denial of atrocity crimes committed in the former Yugoslavia and Rwanda and the glorification of their perpetrators.

At the meeting on 22 June,⁹⁸² the Council adopted, with one abstention, resolution [2637 \(2022\)](#) under Chapter VII of the Charter, by which it appointed the Prosecutor of the Mechanism with effect from 1 July 2022 until 30 June 2024.⁹⁸³ In the resolution, the Council continued to urge all States to intensify their cooperation with and render all necessary assistance to the Mechanism, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the International Criminal Tribunal for Rwanda as soon as possible.⁹⁸⁴ The Council noted with concern that, despite having reached an earlier agreement, the Mechanism continued to face problems in the relocation of acquitted persons and convicted persons who had completed their sentence, and emphasized the importance of finding expeditious and durable solutions to those problems, including as part of a reconciliation process.⁹⁸⁵ In that regard, the Council noted that decisions on the relocation of persons who had been acquitted or had completed their sentences should take into account, inter alia, the readiness of the State of origin to accept its nationals, the consent or any objections raised by the individuals to be relocated and the availability of other relocation States.⁹⁸⁶ The Council welcomed the report submitted by the Mechanism to the Council and the OIOS report on the evaluation of the methods and work of the Mechanism.⁹⁸⁷ In that regard, the Council requested the Mechanism to implement the recommendations made by the Informal Working Group on International Tribunals and to continue to take steps to further enhance its efficiency and effective and transparent management, including the production of clear and focused projections of completion timelines at the earliest stage possible and disciplined adherence thereto.⁹⁸⁸ The Council reiterated its request to the Mechanism to include in its six-monthly reports to the Council information on progress achieved in implementing the resolution.⁹⁸⁹ With a view to strengthening independent oversight of the Mechanism, the Council recalled that, as set out in its presidential statement of 31 March 2022, future reviews carried out pursuant to paragraph 17 of resolution [1966 \(2010\)](#) should include evaluation reports sought from OIOS with respect to the methods and work of the Mechanism.⁹⁹⁰

On 12 December, Council members heard the second semi-annual briefings by the President of the Mechanism and by its Prosecutor, in which they presented the latest progress report on the work of the

⁹⁷⁶ Gabon, France, United Kingdom, United States, Mexico, United Arab Emirates, China, Kenya, Norway, Ireland and Albania.

⁹⁷⁷ United Kingdom, United States, Mexico, Norway and Albania.

⁹⁷⁸ United Kingdom, United States, Norway, Ireland and Albania.

⁹⁷⁹ France, Ghana, United States, Mexico, Kenya, Norway and Ireland.

⁹⁸⁰ India, Ghana, United Kingdom, United States, Mexico, United Arab Emirates, Norway and Ireland.

⁹⁸¹ Gabon, Russian Federation, United Kingdom, United States, Ireland, Albania and Bosnia and Herzegovina.

⁹⁸² See [S/PV.9072](#).

⁹⁸³ Resolution [2637 \(2022\)](#), para. 1.

⁹⁸⁴ *Ibid.*, para. 3.

⁹⁸⁵ *Ibid.*, para. 4.

⁹⁸⁶ *Ibid.*, para. 5.

⁹⁸⁷ *Ibid.*, para. 8. See also [S/2022/148](#) and [S/2022/319](#).

⁹⁸⁸ Resolution [2637 \(2022\)](#), para. 10.

⁹⁸⁹ *Ibid.*, para. 12.

⁹⁹⁰ *Ibid.*, para. 16.

Mechanism.⁹⁹¹ During the meeting,⁹⁹² the President of the Mechanism reported that, after disposing of the *Fatuma et al.* contempt case on 29 June, in line with the original projection, the Mechanism had been left with only two main cases in its pending judicial caseload. In that regard, she reported that the trial against Félicien Kabuga had commenced at The Hague on 29 September and was proceeding apace, and that the projection for the completion of its trial phase remained by September 2024. She also reported that the appeals procedure in the *Stanišić and Simatović* case continued to be on track and said that she was confident that the appeal judgment would be delivered by June 2023. In addition, she reported that the Mechanism had made important strides in its other continuous judicial activities, such as the protection of victims and witnesses, assistance to national jurisdictions and the monitoring of cases referred to national courts, and the enforcement of sentences. She added that those matters regularly called for decisions by Mechanism judges or the President and required sustained effort and resources to see the full cycle of justice through to the end. Regarding the eight relocated persons who had been acquitted or had completed their sentences, the President affirmed that the best way to resolve the situation would be for the existing agreement between the United Nations and the Niger to be observed and that the collective inability to find a durable solution reflected negatively not only on the Organization but also on the credibility of international justice as a whole. She stated that State assistance in identifying and implementing an acceptable solution to that crisis would help the Mechanism to move ahead with its transition plans. In connection with the request by the Council for the Mechanism to provide options regarding the transfer of its remaining activities in due course, the President stated that developing a strategy for the future had become one of the priorities of her presidency and that she had presented the Informal Working Group with a road map for developing a Mechanism-wide scenario-based workforce plan. With the road map as a first point of reference, the Mechanism would provide updates on the development of a comprehensive strategy to guide its continued transition to a truly residual court. The President underscored that any delay in addressing current challenges such as the enforcement of sentences would have an impact on the transition plans. In that connection, she urgently appealed to States to share the burden of enforcing the sentences of people convicted by the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda or the Mechanism and added that, unless additional States came forward, the Mechanism would struggle to continue to fulfil its duties in that important area. Finally, the President stated that, despite the Council's continued emphasis on ensuring that the Mechanism remained guided by the premise of operating as a small, temporary and efficient structure, the scope of its responsibilities and the volume of its activities extended far beyond what had been envisaged when the ad hoc tribunals had been established. In that sense, its mandated residual functions, including judicial functions, remained essential. Even after the completion of its pending caseload, the Mechanism would be left with a number of long-term responsibilities, including the enforcement of sentences, the protection of witnesses and assistance to national jurisdictions. In closing, the President underscored the need to redouble efforts to counter genocide denial, revisionism and the glorification of war criminals.

Following the President of the Mechanism, the Prosecutor reported on the progress of the two remaining core crime cases: the *Kabuga* trial and the *Stanišić and Simatović* appeal. He also highlighted his Office's work under its mandate to investigate and prosecute contempt-of-court crimes. With regard to the search for the remaining fugitives, he reported that only four remained at large. In that connection, he thanked the President of South Africa for establishing a dedicated national investigative team to work directly with the Prosecutor's tracking team in the search for Fulgence Kayishema. He added that important results had been achieved and that the investigation in South Africa was progressing quickly. The Prosecutor highlighted the fact that over a thousand fugitives were still wanted by Rwandan prosecutors for crimes committed during the genocide and said that, while tracking the fugitives, his Office had discovered some fugitives who were enjoying impunity in third countries. In that context, he stated that his Office would work with the national authorities of the countries that were responsible for extraditing or prosecuting those individuals and that Rwanda would continue to need assistance from the international community to account for the many other fugitives suspected of genocide. Recalling that the Council had mandated his Office to respond to requests for assistance from domestic investigators

⁹⁹¹ S/2022/583.

⁹⁹² See S/PV.9217.

and prosecutors around the world, the Prosecutor affirmed that meeting that mandate continued to be his priority. He reminded the Council that, while his Office moved closer to completing the last cases and accounting for the final fugitives, thousands of cases had yet to be completed in national courts and that his Office's assistance remained essential for investigating and prosecuting the thousands of perpetrators of war crimes, crimes against humanity and genocide who had yet to be investigated and prosecuted in the former Yugoslavia. In that regard, he anticipated that requests for assistance would increase in number as well as in complexity and significance. Concerning regional cooperation in the Balkans, the Prosecutor stated that, despite important signs of positive progress, local prosecutors reported that they did not receive the cooperation they needed from Croatia in cases involving Croatian suspects. In that context, his Office would continue to engage with Croatian authorities to find mutually acceptable solutions. The Prosecutor also referred to issues related to the continued denial of war crimes and glorification of convicted war criminals in the countries of the former Yugoslavia.

Council members acknowledged the progress achieved by the Mechanism towards the completion of its work during the reporting period and welcomed the initiative of the President to devise a drawdown strategy for the Mechanism. The representative of the Russian Federation thanked the President of the Mechanism for her intention to transform the Mechanism from a judicial body into a genuine residual structure. In that context, he said that the Russian Federation had taken note of the plans to close the pretrial detention facility in Arusha and the Sarajevo office as from 1 April 2023 and considered that decision to be a step in the right direction. He added that, given the residual nature of the Mechanism, its leadership should regularly review its functions, departments and offices for redundancies and diminishing relevance, and that the relevant practical recommendations of OIOS were much needed. The Russian representative expressed the view that the Mechanism should follow the best practices of other similar structures, in particular the Special Tribunal for Lebanon.

Council members continued to call upon all States to cooperate fully with the Mechanism in tracking all the remaining fugitives to enable the completion of the judicial process. The representative of Gabon stated that the credibility and effectiveness of the Mechanism would continue to depend largely on the assistance provided by States, especially their support to the Prosecutor to facilitate the arrest of the fugitives at large, and that the purpose and effectiveness of the Mechanism would be called into question if the fugitives were not arrested and then tried according to the required legal procedures. With regard to cooperation, several Council members⁹⁹³ expressed their regret that the situation of the eight acquitted or released individuals remained unresolved. In that context, some members⁹⁹⁴ called on the Niger and the States concerned to abide by the terms of the relocation agreement. The representative of Ghana recalled resolution 2529 (2020), in which the Council emphasized the importance of expeditiously and durably relocating those persons. He stressed that the international justice community had to pay attention to and resolve that situation, and called upon the Council to critically discuss the matter with an outcome that would assist the Mechanism in line with paragraph 5 of resolution 2637 (2022). Emphasizing the importance of cooperation between the Mechanism and the Member States concerned, a number of Council members⁹⁹⁵ urged Serbia to promptly execute the outstanding arrest warrants of Petar Jojić and Vjerica Radeta, while others⁹⁹⁶ expressed their regret about the continued need to confront the denial of crimes and the glorification of war criminals.

During the period under review, the Council took note of the intention of the Secretary-General to appoint a new President of the Mechanism and to reappoint the 25 judges and the Prosecutor of the Mechanism, all with effect from 1 July 2022 to 30 June 2024.⁹⁹⁷

⁹⁹³ United Arab Emirates, Ireland, Norway and India.

⁹⁹⁴ Ireland, Norway and India.

⁹⁹⁵ United States, Ireland, Norway, Albania and United Kingdom.

⁹⁹⁶ United States, Ireland, Albania, France, Mexico and United Kingdom.

⁹⁹⁷ See S/2022/486 and S/2022/487. See also S/2022/511. For more information on actions of the Council concerning the judges of the Mechanism, see part IV, sect. I.D, and part IX, sect. IV.

Meetings: International Residual Mechanism for Criminal Tribunals, 2022

<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.9010 31 March						S/PRST/2022/2
S/PV.9062 14 June			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.9072 22 June		Draft resolution submitted by Gabon (S/2022/501)				Resolution 2637 (2022) (adopted under Chapter VII) 14-0-1 ^b
S/PV.9217 12 December	Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2022/583)		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 Minister of Justice.

^b For: Albania, Brazil, China, France, Gabon, Ghana, India, Ireland, Kenya, Mexico, Norway, United Arab Emirates, United Kingdom, United States; against: none; abstaining: Russian Federation.

26. Children and armed conflict

During the period under review, the Council held one open debate in connection with the item entitled “Children and armed conflict”.⁹⁹⁸ More information on the meeting, including on participants and speakers, is provided in table 1 below.⁹⁹⁹

The open debate, held on 19 July, was convened at the initiative of Brazil, which held the presidency for the month,¹⁰⁰⁰ in connection with the annual report of the Secretary-General on children and armed conflict.¹⁰⁰¹ The open debate was chaired by the Vice-Minister for Foreign Affairs of Brazil and featured briefings by the Special Representative of the Secretary-General for Children and Armed Conflict, the Executive Director of the United Nations Children’s Fund (UNICEF) and the founder and Executive Director of the non-governmental organization Similar Ground.¹⁰⁰²

In her remarks, the Special Representative of the Secretary-General for Children and Armed Conflict noted that the abuses that children had been subjected to the previous year had been as grievous as they had been many. She reported that, in 2021, a total of 23,982 grave violations against over 19,165 children had been verified in the 21 country situations and one regional monitoring arrangement covered by her mandate. She added that, in 2021, 8,000 children had been either killed or maimed, making killing

⁹⁹⁸ For more information on the format of meetings, see part II.

⁹⁹⁹ See also [A/77/2](#), part II, chap. 14.

¹⁰⁰⁰ A concept note was circulated by a letter dated 5 July ([S/2022/540](#)).

¹⁰⁰¹ [S/2022/493](#).

¹⁰⁰² See [S/PV.9096](#) and [S/PV.9096 \(Resumption 1\)](#).