



Security Council

Provisional
26 June 2024

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The Security Council,

Reaffirming its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Criminal Tribunal for Rwanda (ICTR), and the International Tribunal for the former Yugoslavia (ICTY) being brought to justice and, in this regard, *recalling* the mandate of the International Residual Mechanism for Criminal Tribunals (Mechanism) established by resolution 1966 (2010) of 22 December 2010,

Recalling Article 25 and Article 26 of the Statute of the Mechanism, set out in Annex 1 to resolution 1966 (2010), concerning the supervision of the enforcement of sentences and pardon or commutation of sentences, respectively,

Having regard to Article 14, paragraph 4 of the Statute of the Mechanism,

Recalling its decision in resolution 2637 (2022) adopted on 22 June 2022 appointing the Prosecutor of the Mechanism for a period from 1 July 2022 until 30 June 2024, and that the Prosecutor of the Mechanism may be appointed or reappointed for a two-year term, notwithstanding Article 14, paragraph 4 of the Statute of the Mechanism,

Having considered the nomination by the Secretary-General of Mr. Serge Brammertz as Prosecutor of the Mechanism (S/2024/502),

Recalling its request in resolution 2637 (2022) for the Mechanism to take steps for the production of clear and focused projections of completion timelines for all the Mechanism's activities;

Recalling its decision in resolution 1966 (2010) that the Mechanism shall operate for an initial period of four years from the first commencement date referred to in paragraph 1 of the resolution, to review the progress of the work of the Mechanism, including in completing its functions, before the end of this initial period and every two years thereafter, and that the Mechanism shall continue to operate for subsequent periods of two years following each such review, unless the Security Council decides otherwise,

Noting that the current period of operation of the Mechanism ends on 30 June 2024,

Having conducted its review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in June 2022, pursuant to paragraph 17 of resolution 1966 (2010) and in accordance with the procedure set out in the statement of its President of 4 March 2024 (S/PRST/2024/1),

Emphasizing the substantially reduced nature of the residual functions following the conclusion of all core crime cases and the tracking of fugitives and the need for the Mechanism to complete its remaining functions expeditiously;

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the work of the Mechanism in completing the tracking of all fugitives by arresting Fulgence Kayishema in South Africa on 24 May 2023 following his indictment by the ICTR in 2001, by the Prosecutor's findings in March 2024 and in May 2024 of the deaths of Aloy Ndimbati around June 1997 and the deaths of Ryandikayo and Charles Sikubwabo in 1998 following the indictments of all three fugitives by the ICTR in 1995 and in bringing the prosecutorial and judicial work on all core crime cases to a conclusion by indefinitely staying the proceedings in the case of Felicien Kabuga, and *notes* the reported efforts to eliminate the duplication of functions among the Mechanism's organs and other streamlining that have resulted in budgetary reductions;

2. *Takes note* of the information submitted by the Mechanism to the Council's Informal Working Group on International Tribunals, setting out scenarios and projections for the remaining residual functions, as well as for a detailed consideration of the transfer of the Mechanism's functions in response to the Council's request in 2637 (2022) for the production of clear and focused projections of completion timelines for all of the Mechanism's activities including, in particular, in relation to ongoing cases and the supervision of the enforcement of sentences at the earliest possible stage possible and to provide options regarding the transfer of its remaining activities in due course;

3. *Decides* to appoint Mr. Serge Brammertz as Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 July 2024 until 30 June 2026;

4. *Urges* States to cooperate fully with the Mechanism;

5. *Further continues to urge* all States to intensify their cooperation with and render all necessary assistance to the Mechanism to enforce sentences pronounced by the ICTR, ICTY and the Mechanism, and welcomes the continuing support already provided by States in this regard;

6. *Notes* with concern that despite reaching an earlier agreement, the Mechanism continues to face problems in the relocation of acquitted persons and convicted persons who have completed serving their sentence, *emphasises* the importance of finding expeditious and durable solutions to these problems, including as part of a reconciliation process, *encourages* all efforts to that end, and, in this regard, *reiterates* its call upon all States to cooperate with and render all necessary assistance to the Mechanism;

7. *Notes* that decisions on the relocation of persons who have been acquitted or 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;

8. *Takes note* of the conclusion of all fugitive tracking by the Mechanism and commends the cooperation between the Mechanism, States and international organisations, which contributed to these developments, and recognises these as important steps of cooperation with the Mechanism, in accordance with paragraph 3 of resolution 2637 (2022);

9. *Emphasises* that, in view of the substantially reduced nature of the residual functions, the Mechanism was established to be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of

staff commensurate with its reduced functions, and *requests* the Mechanism to continue to be guided in its activities by these elements;

10. *Welcomes* the report (S/2024/308) submitted by the Mechanism to the Council pursuant to its Presidential Statement (S/PRST/2024/1) for the purposes of the review of the progress of the work of the Mechanism, including in completing its functions, as required by paragraph 17 of resolution 1966 (2010), and the report of the Office of Internal Oversight Services (OIOS) on the evaluation of the methods and work of the Mechanism (S/2024/199) taking note of OIOS conclusions on the Mechanism's implementation of the OIOS recommendations and paragraph 10 of resolution 2637 (2022);

11. *Takes note* of the 'Report of the Secretary General on the administrative and budgetary aspects of the options for possible locations of the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals' of 21 May 2009 (S/2009/258) and requests the Secretary-General to present an updated report by 31 December 2025 on the administrative and budgetary aspects of the options for possible locations of the archives of the ICTR, the ICTY, and the Mechanism mindful of the importance of access to the archives in support of national investigative and prosecutorial processes, and the views of the relevant states in connection with the hosting of the archives;

12. *Further requests* the Secretary General to report to the Security Council by 31 December 2025 on options for the transfer of the functions of supervision of enforcement of sentences and the pardon or commutation of sentences under Article 25 (2) and Article 26 of the Statute of the Mechanism, and assistance to national jurisdictions on prosecutions under Article 28 (3) of the Statute of the Mechanism, including the legal, budgetary, administrative and other implications of such options.

13. *Notes* further the views and recommendations made with regard to the Mechanism's work by the Council's Informal Working Group on International Tribunals, as reflected in this resolution, and *requests* the Mechanism to take into account those views and implement the recommendations, and to continue to take steps to further enhance efficiency and effective and transparent management, in particular: (i) full implementation of the recommendations outlined in the report of the Office of Internal Oversight Services (OIOS) S/2024/199 and any outstanding recommendations from previous reports of the OIOS and to report on this in its sixth review report in 2026; (ii) production of clear and realistic projections of completion timelines for all of the Mechanism's activities; (iii) continued ensuring of geographic diversity and gender balance of staff, while ensuring continued professional expertise; (iv) continued implementation of a human resources policy consistent with its temporary mandate; (v) further reduction of costs, including through, but not limited to, flexible staff engagement; and (vi) coordination and information sharing across the three organs of the Mechanism on matters that affected them equally in order to ensure systematic thinking and planning about the future;

14. *Reiterates* its request to the Mechanism to include in its six-monthly reports to the Council information on progress achieved in implementing this resolution, as well as detailed information on the staffing and overall posts of the Mechanism, respective workload and related costs with breakdown by division and detailed projections of the duration of residual functions based on available data;

15. *Recalls* its encouragement to the Mechanism in resolution 2422 (2018) to consider an appropriate solution to the approach to early release of persons convicted by the ICTR, and notes that during the review period from 1 July 2018 to 30 June 2020, conditions on early release in appropriate cases were put in place and the Mechanism refined procedures in this regard;

16. *Reiterates* the importance of ensuring that the rights of persons detained on the authority of the Mechanism are in accordance with applicable international standards relating to health care including the United Nations Standard Minimum Rules for the Treatment of Prisoners and emphasises the importance of the role of the Mechanism in maintaining these standards;

17. In light of the residual and temporary nature of the Mechanism, *encourages* cooperation between the Mechanism and relevant countries as well as with interested entities to facilitate the establishment of information and documentation centres by providing access to copies of public records of the archives of the Tribunals and the Mechanism, in line with paragraph 15 of resolution 1966 (2010);

18. *Notes* the conclusion of the Council's review of the progress of the work of the Mechanism, including in completing its functions, since the last review of the Mechanism in June 2022, pursuant to resolution 1966 (2010);

19. *Recalls*, with a view to strengthening independent oversight of the Mechanism, that, as set out in its Presidential Statement (S/PRST/2024/1), future reviews carried out pursuant to paragraph 17 of resolution 1966 (2010) shall include evaluation reports sought from the OIOS with respect to the methods and work of the Mechanism;

20. *Decides* to remain seized of the matter.
