**SECURITY COUNCIL**

**STATEMENT**

**Debate**

**International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the Former Yugoslavia (ICTY).**

**December 9th 2015**

Madame President,

We thank Presidents Carmel Agius (ICTY), Vagn Joensen (ICTR) and Theodor Meron (MICT) for their comprehensive briefings on the work of the International Criminal Tribunals for the Former Yugoslavia (ICTY), and Rwanda (ICTR) and the International Residual Mechanisms for the Criminal Tribunals.

For the past 21 years, the ICTY and ICTR played a crucial role in promoting the rule of law and ending impunity, by establishing an internationally recognized system of criminal justice, shaping national and international justice mechanisms, leading the fight against impunity, and ensuring that many of those responsible for serious crimes against humanity were held accountable and brought to justice.

Nearing the cessation of its activities, we praise the contribution, support and international cooperation afforded to the ICTR by UN Member States, as well as its legacy on best practices and lessons learned in the tracking and arresting of fugitives, on the prosecution of sexual and gender-based violence and on referrals of international criminal cases to national jurisdictions.

Madame President,

The final appeal of the “Butare Case” trial, scheduled for December 14, 2015, formally closing the Tribunal Operations is a landmark event in the history of international criminal and humanitarian law. The Tribunal played a crucial role, by contributing to peace and reconciliation in the Great Lakes and in the pursuit of justice for the victims and survivors of the 1994 tragic events in Rwanda.

The Tribunal formal closure coincides with the completion of its residual functions and its transfer to the Residual Mechanism which, according to Security Council Resolution 1966 (2010), has the responsibility of tracking the remaining fugitives indicted by the ICTR, establishing the arrest and prosecution of the nine remaining fugitives a top priority for the Mechanism.

The ICTY, in its turn, has completed almost all the cases under its jurisdiction, with four trials and two appeals still pending by the end of 2015. We acknowledge the Tribunal commitment to complete its work expeditiously and the Judges engagement in doing their utmost to expedite the pending cases.

We value greatly the Tribunal commitment in meeting the date foreseen for its closure, in 2017, and the diligent efforts to complete the expeditious transition of functions to the Mechanism in accordance with Security Council Resolution 1966 (2000).

However, we are concerned over the continuous challenge facing the ICTY, in particular those related to staff attrition, causing delays to trials and appeals, and the Tribunal inability to offer an end-of-service incentive. We hope that these delays will not affect the ongoing trials and that the Tribunal judicial work will be effectively completed by the end of 2017.

Madam President,

We note that the Residual Mechanism will assume full responsibility for the ICTR remaining functions by the end of 2015. The ICTY closure is expected for 2017, while the Tribunal Principals and staff keep ensuring a smooth transition of the remaining functions and services, harmonizing and adopting best practices.

However the Mechanism continues to face two long-standing challenges: ensuring that the nine remaining individuals at large, indicted by the ICTR are apprehended; and the relocation of the eight individuals acquitted and released by the ICTR, who are unable to return to their countries of origin.

We are encouraged by the fact that the Mechanism continued communicating and cooperating with Rwanda and States of Former Yugoslavia, keeping them updated on the activities of the Mechanism and the transition of responsibilities, as well as assistance to national jurisdictions.

We would like to highlight that International Criminal Justice, embodied in the Criminal Tribunals for Yugoslavia and Rwanda were crucial to the recovery processes, following the horrific events that took place in those territories.

Finally, in closing these files it is critical to ensure the cooperation and support by the International Community to the operations of tracking and capture ongoing fugitives and for the Tribunals remaining work.

I thank you.