

Chapter 17  
The drafting of the judgement in the *Karadžić* trial was at a very advanced stage, and would come

with the defence case. In March, the Prosecution also led a proposal for expediting the presentation of the defence case. In June, the defence led a motion to terminate or, in the alternative, to stay the proceedings indefinitely, in the light of Mr. Hadži's health condition. On 26 October, the Trial Chamber decided to stay the proceedings for a period of three months considering by majority that, inter alia, while Mr. Hadži was fit to stand trial, his health condition

cases to which they were assigned. The Assembly also reappointed Serge Brammertz as the ICTY Prosecutor, for a term with effect from 1 January 2016 until 31 December 2016.

### **Office of the Prosecutor**

In 2015, the Office of the Prosecutor remained focused on completing its work in the final trial and appeal proceedings, while managing its downsizing process. The Office continued to reallocate staff and resources to ensure that all court-ordered deadlines were met. The Office continued to assist Mechanism officials and personnel in transferring functions in accordance with the transitional arrangements.

As at 31 July, judgements were issued in two appeals (*Popović et al.* and *Tolimir*); two trials were in the defence evidence presentation phase (*Hadži and Mladić*); in two trials the parties were awaiting judgement by the Trial Chamber (*Karadžić and Šešelj*). In one case on appeal, the parties were awaiting judgement by the Appeal Chamber (*Stanišić and Simatović*); and in two appeals the parties had completed written submissions and were awaiting scheduling of the oral hearing (



would deliver its forty-fifth and final judgement on appeal in the *Butare* case involving six accused, which would mark the completion of the Tribunal's core judicial functions. With the completion of that case, ictr would formally close its door on 31 December 2015, and only liquidation activities would remain to be completed during the first half of 2016. Ictr would become the first ad hoc international criminal tribunal to complete its mandate and it would hand its remaining functions over to its residual mechanism, the International Residual Mechanism for Criminal Tribunals.

The Tribunal's final report to the Council provided an overview of the work of ictr, including 5,800 days of proceedings in which ictr brought indictments against 93 individuals, issued 55 first-instance judgements and 45 appeal judgements and heard the accounts of more than 3,000 witnesses during ictr trials. The evolution of the Tribunal's referral programme, which culminated in the transfer of eight cases from ictr to Rwanda, represented a significant part of the Tribunal's legacy, which were all aimed at meeting international fair trial standards.

The ictr President updated the Council on the progress being made with respect to the issue of reparations for victims of the 1994 genocide in Rwanda.

The International Organization for Migration had completed and submitted a draft assessment study to









and war crimes. The Office also secured the referral of ten genocide indictments to national jurisdictions for trial. The referral of those indictments marked an important milestone in the completion strategy of the Tribunal. The Office actively supported Tribunal-wide efforts to develop the capacity of regional justice sectors, particularly in Rwanda. The Office helped to organize and provided presenters for a Tanzanian judicial conference on developments in international humanitarian law and human rights law that was held in Arusha in August 2015. To coincide with the twentieth anniversary of the Tribunal, the Prosecutor

administrative and judicial support services for the Mechanism. It also assisted in the conclusion of a host state agreement with the Netherlands and was managing the construction of the new premises for the Arusha branch.

The third and fourth annual reports of the Mechanism covered the periods from 1 July 2014 to 30 June 2015 [A/70/225-S/2015/586] and from 1 July 2015 to 30 June 2016 [A/71/262-S/2016/669]. The General Assembly took note of the reports on 13 October (**decision 70/507**). On 23 December, the Assembly decided that the agenda item on the Mechanism would remain for consideration during its seventieth (2016) session (**decision 70/554**).

#### SECURITY COUNCIL ACTION

On 16 of November [meeting 7559], following consultations among Security Council members, the President made statement **S/PRST/2015/21** on behalf of the Council:

Pursuant to statement [S/PRST/2015/21] (see above), the President of the Mechanism transmitted the review report [S/2015/896] dated 20 November on the progress of the Mechanism's work in the initial period. On 23 December, the Assembly welcomed the report and the supplementary information.

#### SECURITY COUNCIL ACTION

On 22 December [meeting 7593], the Security Council adopted **resolution 2256(2015)** by recorded vote (14-0-1). The draft [S/2015/1005] was submitted by Chile.

#### VOTE ON RESOLUTION 2256(2015):

*In favour:* Angola, Chad, Chile, China, France, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Spain, United Kingdom, United States, Venezuela.

*Against:* None.

*Abstaining:* Russian Federation.

#### GENERAL ASSEMBLY ACTION

On 23 December [meeting 82], the General Assembly, on the basis of draft resolution [A/70/L.39] submitted by its President, adopted **resolution 70/227 (International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International**

of Dragan Nikolić. On 16 November, the Appeals Chamber denied Ferdinand Nahimana's request for review, and issued a confidential decision authorizing the assignment of counsel in relation to another potential request for review and a related order. On 8 December, the Appeals Chamber dismissed an appeal by Jean de Dieu Kamuhanda against a decision taken by a single judge on an issue of jurisdiction.

### **Office of the Prosecutor**

In 2015, the Office of the Prosecutor continued to discharge its mandate with respect to a variety of activities, including tracking fugitives, rendering assistance to national authorities, monitoring cases referred to national jurisdictions, maintaining and updating fugitive files in anticipation of arrest and conducting litigation before the Mechanism.

The Arusha branch of the Office of the Prosecutor continued to focus its efforts on gradually taking full responsibility for all remaining functions of the Tribunal's Office of the Prosecutor. The arrest and prosecution of the three fugitives, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya, remained a key priority, and the Prosecutor continued efforts to track those fugitives, with particular emphasis on the southern African and Great Lakes regions. The Prosecutor continued to render assistance to Rwanda in the tracking of the six fugitives whose cases had been referred to Rwanda, namely Fulgence Kayishema, Phénéas

international bodies and interim monitors provided by icty and the Mechanism. In March, following the conclusion of a memorandum of understanding with the Mechanism on 15 January, the Kenyan section

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**Report of Secretary-General.** In September [A/70/378], the Secretary-General presented the pro-

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Oversight Committee and the Court to ensure that all preparatory measures were adopted for the Court to

jected the Prosecutor's request to make a finding that Kenya had failed to comply with the Court's request for cooperation. The decision was remanded to Trial Chamber V (b).

In the *Paul Gicheru and Philip Kipkoech Bett* case (situation in the Kenya), on 10 September 2015, Pre-Trial Chamber II unsealed an arrest warrant against Gicheru and Bett, initially issued on 10 March for alleged offences against the administration of justice by corruptly influencing witnesses in Kenya.

On 11 March, Trial Chamber I q0.02M.1 (a.4 (-)416.6 (

**The Registry**

e Registry provided judiciud y



vided to the Court a range of services and facilities, including reimbursable loans; satellite communications services; payroll costs for staff assigned to work exclusively on matters pertaining to the Court; access to the United Nations System Electronic Information Acquisition Consortium; field security services; air and ground transportation services for Court personnel and equipment; provision of laissez-passer and certificates; and training services, including access to language proficiency examinations for Court staff members. In the field of cooperation and judicial assistance, add.4 (n)-13.49 (l)0.8 dd[(n)4(d s)-(i)5-18.9 yinstea-5