

28. Items relating to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

During the period under review, the Security Council held seven meetings and adopted three resolutions, under Chapter VII of the Charter, relating to the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the 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 1994 and 31 December 1994, as well as the International Residual Mechanism for Criminal Tribunals.³⁰⁵ More information on the meetings, including on participants, speakers and outcomes, is given in the table below.

The Council heard semi-annual briefings by the Presidents of the International Tribunal for the Former Yugoslavia and the Mechanism and by their Prosecutors on the work of the two entities. At those meetings, Council members considered, *inter alia*, the progress in the completion strategy of the Tribunal as well as the process of handing over to the Mechanism any residual activities, due by the end of 2017. Council members also discussed the judicial proceedings of the Mechanism with regard to the remaining work of the International Criminal Tribunal for Rwanda.

In February 2016, by resolution [2269 \(2016\)](#), adopted by 11 votes in favour, with 4 abstentions, the Council appointed the Prosecutor of the Mechanism for a term of office beginning on 1 March 2016 and ending on 30 June 2018. By a letter from the President of the Security Council to the Secretary-General, the Council took note of the intention of the Secretary-General to reappoint the President of the Mechanism for the same period as the Prosecutor.³⁰⁶

³⁰⁵ By resolution [1966 \(2010\)](#), the Council, *inter alia*, established the Mechanism to carry out the residual functions of the two Tribunals after the completion of their mandates.

³⁰⁶ See the exchange of letters between the Secretary-General and the President of the Security Council dated 23 and 27 February 2016 ([S/2016/193](#) and [S/2016/194](#)). In its letter, the Council also noted the position expressed by the Russian Federation in a letter dated 27 February 2016 ([S/2016/197](#)).

In September 2016, taking note of a letter dated 5 August 2016 from the Secretary-General to the President of the Security Council,³⁰⁷ the Council decided to amend the statute of the International Tribunal for the Former Yugoslavia.³⁰⁸ The amendment was adopted in order to enable the Secretary-General to appoint a former judge of the Tribunal who was also a judge of the Mechanism to serve on the Appeals Chamber of the Tribunal.³⁰⁹

In December 2016, the Council extended the terms of office of the President and the judges of the International Tribunal for the Former Yugoslavia and reappointed the Prosecutor of the Tribunal, emphasizing that these extensions and reappointment should be final.³¹⁰ The Council also reiterated its request to the Tribunal to complete its work and facilitate the closure of the Tribunal “as expeditiously as possible” with the aim of completing the transition to the Mechanism, and to redouble its efforts to review its projected case completion dates with a view to shortening them, as appropriate, and to prevent any additional delays.³¹¹

On 31 December 2017, the Council issued a statement to the press, marking the closure of the International Tribunal for the Former Yugoslavia.

³⁰⁷ [S/2016/693](#).

³⁰⁸ Resolution [2306 \(2016\)](#), para 1. See also the exchange of letters between the Secretary-General and the President of the Security Council dated 13 and 19 September 2016 ([S/2016/794](#) and [S/2016/795](#)).

³⁰⁹ Article 12, paragraph 3, of the statute provides that the Appeals Chamber shall be composed, for each appeal, of five of its seven members; article 14, paragraph 3, of the statute provides that, notwithstanding the provisions of article 12, paragraph 1, and article 12, paragraph 3, the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned.

³¹⁰ Resolution [2329 \(2016\)](#), paras. 3, 4 and 5. For more information on the actions of the Security Council concerning judges of the International Tribunal for the Former Yugoslavia and the Mechanism, see part IV, sect. I.D.

³¹¹ Resolution [2329 \(2016\)](#), para. 1.

**Meetings: items relating to the International Tribunal for the Former Yugoslavia and the
International Criminal Tribunal for Rwanda**

<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.7636 29 February 2016		Draft resolution submitted by Uruguay (S/2016/195)			Five Council members (Angola, China, Egypt, Russian Federation, Senegal)	Resolution 2269 (2016) 11-0-4 ^a (adopted under Chapter VII)
S/PV.7707 8 June 2016	Report of the Office of Internal Oversight Services on the evaluation of the methods and work of the International Tribunal for the Former Yugoslavia (S/2016/441) Letter dated 17 May 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2016/453) Letter dated 17 May 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2016/454)		Bosnia and Herzegovina, Croatia, Rwanda, Serbia	President of the International Tribunal for the Former Yugoslavia, President of the International Residual Mechanism for Criminal Tribunals, Prosecutor of the Tribunal and of the Mechanism	All Council members, all invitees	
S/PV.7767 6 September 2016	Letter dated 5 August 2016 from the Secretary- General addressed to the President of the Security Council (S/2016/693)	Draft resolution submitted by Uruguay (S/2016/752)				Resolution 2306 (2016) 15-0-0 (adopted under Chapter VII)
S/PV.7829 8 December 2016	Letter dated 1 August 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the		Bosnia and Herzegovina, Croatia, Rwanda, Serbia	President of the Tribunal, President of the Mechanism, Prosecutor of the Tribunal and of the Mechanism	All Council members, all invitees	

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<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>
	President of the Security Council (S/2016/669)					
	Report of the International Tribunal for the Former Yugoslavia (S/2016/670)					
	Letter dated 17 November 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2016/975)					
	Letter dated 17 November 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2016/976)					
S/PV.7842 19 December 2016	Letter dated 11 November 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/959)	Draft resolution submitted by Uruguay (S/2016/1054)			One Council member (Russian Federation)	Resolution 2329 (2016) 15-0-0 (adopted under Chapter VII)
	Letter dated 17 November 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2016/976)					

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<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.7960 7 June 2017	<p>Letter dated 17 May 2017 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2017/434)</p> <p>Letter dated 17 May 2017 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2017/436)</p>		Bosnia and Herzegovina, Croatia, ^b Serbia	President of the Tribunal, President of the Mechanism, Prosecutor of the Tribunal and of the Mechanism	All Council members, all invitees	
S/PV.8120 6 December 2017	<p>Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2017/661)</p> <p>Note by the Secretary-General on the report of the International Tribunal for the Former Yugoslavia (S/2017/662)</p> <p>Letter dated 17 November 2017 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2017/971)</p>		Croatia, Serbia	President of the Tribunal, President of the Mechanism. Prosecutor of the Tribunal and of the Mechanism	All Council members, all invitees ^c	

<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>
	Letter dated 29 November 2017 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2017/1001)					

^a *For*: China, France, Japan, Malaysia, New Zealand, Spain, Ukraine, United Kingdom, United States, Uruguay, Venezuela (Bolivarian Republic of); *abstaining*: Angola, Egypt, Russian Federation, Senegal.

^b Croatia was represented by its Deputy Prime Minister and Minister for Foreign and European Affairs.

^c Croatia was represented by its President; and Serbia was represented by its Minister of Justice.

29. Children and armed conflict

During the period under review, the Security Council held two meetings, including one high-level meeting,³¹² and adopted one presidential statement in connection with the item entitled “Children and armed conflict”. During 2016 and 2017, the Council continued its practice of holding annual open debates in connection with this item further to the reports of the Secretary-General on children and armed conflict. More information on the meetings, including on participants, speakers and outcomes, is given in table 1.

During 2016 and 2017, the main focus of the debates was the severe impact of conflict on the status of children in, inter alia, Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Iraq, Israel, Nigeria, Somalia, South Sudan, the Syrian Arab Republic, Yemen and Palestine. Council members and other speakers highlighted the increase in the levels of violations and abuse against children, including by non-State actors and violent extremist groups, government security forces in counter-terrorism operations, indiscriminate aerial bombardments and bombings, attacks on schools and hospitals, sexual violence, and resulting displacement. The discussions also focused on the monitoring and reporting mechanism of the Secretary-General and the

need for the process to maintain objective and transparent criteria for determining which parties would be listed in the annexes to the reports of the Secretary-General as having committed violations.

On 31 October 2017, the Council adopted a presidential statement in which it expressed grave concern at the scale and severity of the violations and abuses committed against children in 2016, which included alarming levels of killing and maiming, recruitment and use of children, including as human shields and suicide bombers, and denial of humanitarian access and basic services such as education and health care. Specifically, on attacks on schools, the Council urged Member States to ensure that they were investigated, and called upon the United Nations country-level task forces to enhance monitoring and reporting on use of schools for military purposes.³¹³ The Council stressed the need to enhance efforts to prevent the recruitment and use of children by all non-State armed groups, including those who committed acts of terrorism, and emphasized that children who have been recruited in violation of applicable international law by armed forces and armed groups should be treated primarily as victims of violations of international law.³¹⁴ The Council

³¹² See [S/PV.8082](#). For more information on the format of meetings, see part II, sect. I.

³¹³ [S/PRST/2017/21](#), eighth and twelfth paragraphs, and fourteenth paragraph (c) and (d).

³¹⁴ *Ibid.*, twenty-second and twenty-sixth paragraphs.