



## STATEMENT

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## PROSECUTOR

Arusha, 2 July 2012

# **Statement by Justice Hassan Bubacar Jallow, Prosecutor of the Mechanism for International Criminal Tribunals at the launch of the ICTR Branch**

**2 July 2012, Arusha, Tanzania**

Mr. Chairman,  
Presidents and Registrars of ICTR, ICTY and IRM,  
Honourable Minister of Justice of the United Republic of Tanzania,  
Honourable Prosecutor General of Rwanda and Judges present,  
Your Excellencies of the Diplomatic Corps,  
Distinguished Guests,

Today marks the beginning of a new journey for international criminal justice as we launch the International Residual Mechanism for Criminal Tribunals (the IRM) and the commencement of the ICTR branch of the IRM. The Residual Mechanism was established by the UN Security Council by its resolution 1966 of 2010 as a means of ensuring that important functions that will outlive the closure of the ad hoc tribunals are effectively attended to and that those who played a leading role in committing genocide and other serious violations of international humanitarian law to not escape accountability simply because of the closure of the ad hoc tribunals.

I am pleased to report that the Office of the Prosecutor is ready today to commence the important work for which the Mechanism for International Criminal Tribunals was established. A fair number of the staff of the OTP has been recruited and are already on board as of today. They include Investigators who also specialize in tracking fugitives, Crime Analyst and Language Assistants. The recruitment of the Legal Officers, Documents Control Assistants and other administrative officers of the OTP are also actively underway.

The rest of the staff of the OTP is expected to be on board within the next two to three months when the office will be expected to operate at full strength.

The staff compliment that is already on board will enable the OTP to start tackling, as of today, the most immediate challenge facing the MICT, namely, the tracking and arrest of the three top priority fugitives, Felicien Kabuga, Protais Mpiranya and Augustine Bizimana, who are earmarked for trial by the Mechanism. In creating the MICT, the Security Council once more called upon all Member States to cooperate in the arrest and prosecution of the three accused for their roles in the Rwandan genocide of 1994. As MICT Prosecutor, I would like to reiterate that call and underline the fact that the efforts of international criminal justice will not be completely successful until these leaders of the genocide are arrested and called to account for their deeds.

The transition from ad hoc tribunals to the Residual Mechanism does not entail any dilution of state obligations in this regard. All states are and remain legally obliged to cooperate with the RM particularly with regard to the arrest and transfer for trial of the remaining fugitives – three to the RM and the rest to the national jurisdictions to which their cases have been transferred by the ICTR.

In addition, the RM OTP will focus on servicing requests from foreign governments for assistance in the national investigations and prosecuting of these international crimes. This has become an increasingly important function given the active and productive partnership between national and international legal systems in combating impunity.

Archives and records management will be an important component of the RM's mandate. The OTP-ICTR is now ready to transfer the records of 27 completed cases equivalent to 185 linear metres to the RM Registrar. These records have been cleaned, freed from corrosive materials, re-housed in acid free folders, labeled and boxed in acid free boxes. 40 per cent have been digitized with partial metadata entry done. The OTP-ICTR will continue to prepare its remaining records for handover to the RM archives.

Tracking of fugitives for trial, servicing of foreign requests for assistance and the preparation of archives for the RM will thus be the principal concerns of the OTP RM in the months ahead.

As the Mechanism for International Criminal Tribunals was envisaged to be a small entity with limited duties of a residual nature, the expectation of the Member States was therefore that the ICTR and ICTY would do their best to complete most of their mandates to ensure a minimal workload for the Mechanism. I am therefore pleased and grateful to the OTP of the ICTR, indeed to all the organs of the ICTR for ensuring that the OTP of the MICT inherits a relatively light workload. All the genocide trials have been done and completed, except for one, which is expecting completion shortly. As already indicated, the OTP will have only 3 fugitives to track, although we remain aware of the immense challenges in the tracking of particularly these three fugitives. I expect that the OTP of the IRM will deal with only one appeal that is expected to arise from the judgement in the trial of Augustin Ndirabatware and to deal with requests for assistance to national authorities.

The OTP-ICTR's conclusion of the R71 bis evidence preservation proceeding will facilitate any trials at the RM of the three remaining fugitives. The OTP-ICTR has also secured the referrals to national jurisdictions of all the cases which had been earmarked for such transfer under the ICTR Completion Strategy.

Let me conclude by recognizing the important contribution of the various agencies and individuals who have worked tirelessly behind the scenes to make this day happen. I wish to recognize, in this regard, the important contribution of the members of the UN Security Council's Interim Working Group on International Tribunal (IWGIT), the UN Office of Legal Affairs (UN-OLA) and other departments of the UN. I wish to thank the Governments and peoples of the United Republic of Tanzania and also Rwanda for their cooperation with the ICTR over the years which has contributed significantly to implementation of the Completion Strategy. I look forward, now as Prosecutor of the International Residual Mechanism, to continuing this fruitful relationship of cooperation with both countries.

Finally I wish to express my appreciation to all the Principals of the ICTR, ICTY and the RM – i.e. the Presidents, Prosecutors and Registrars and their staff - for working together to ensure the timely commencement of this branch of the Mechanism today as envisaged by the UN Security Council.

Your Excellencies, distinguished guests and staff members, I thank you for gracing this important occasion and for your attention.

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