



**Statement by Justice Hassan B. Jallow**  
**Prosecutor UN-ICTR & UN-MICT to the**  
**United Nations Security Council**  
*5<sup>th</sup> December 2013*  
*[As delivered]*

Mr. President,

Your Excellencies,

I thank you and the Council for the opportunity to once again brief the Council on the progress of the Office of the Prosecutor of the ICTR and of the Mechanism for International Criminal Tribunals.

**OTP-ICTR**

The ICTR-OTP is currently fully engaged in the completion of the remaining activities in order to ensure a smooth, efficient and effective closure of the tribunal (ICTR) and the handover of all residual matters to the Mechanism. Since my last report to the Council, my office has continued to



work on the prosecution and completion of the appeals cases, preparation of ICTR-OTP records for archiving and hand over to the Mechanism, the completion of residual and closure issues as well as providing support to the OTP of the Mechanism. My office has, over this reporting period, also devoted considerable time and effort in ensuring the establishment of the OTP Hague Branch of the Mechanism which was launched on 1 July 2013.

The heavy appellate workload of the ICTR-OTP continues to require significant time and human resources. Since June 2013, the ICTR-OTP has responded to 8 appeals filed by 8 different convicted persons in the *Butare*, *Nzabonimana* and *Nizeyimana* cases, and assisted the Mechanism-OTP in responding to the appeal in the *Ngirabatware* case. The cases are now pending hearing by the Appeals Chamber. Furthermore, the OTP has been actively preparing for the hearings in the *Karemera et al* case involving two convicted persons scheduled by the Appeals Chamber for the week of 10 February 2014. We await judgment by the Appeals Chamber in the *Ndahimana* case for 16 December 2013 and in the *Military 2* case involving four accused in February 2014.



A key milestone in the archiving project was achieved with the commissioning of the OTP archives store and its transfer to the Mechanism. The facility, I am advised, conforms to the required international standards of archiving and provides enhanced security of the records. The handing over of the ICTR-OTP records to the Mechanism Registrar continues. An additional 231 boxes in respect of 3 completed cases are expected to be handed over by the end of this year. In the meantime, the Mechanism-OTP will continue to have full access to the active records of the ICTR-OTP, which will in due course be transferred to the Mechanism. This transfer of records will continue on an on-going basis as and when related litigation is concluded.

As expected, the imminent closure of the *ad hoc* tribunals has generated broad interest within the international community on the potential for their practices and other aspects of their legacy to contribute to capacity building of national and other international tribunals in the prosecution of international crimes. This impetus has encouraged the ICTR-OTP together with the other tribunals to share their experience with national and international stakeholders on best practices in the fight against impunity.



Meanwhile, work on the ICTR-OTP's best practice manuals continues. The Manual on Investigation and Prosecution of Sexual Violence will be finalized and launched in Kampala in January 2014 following the launch of the Manual on the Tracking and Arrest of Fugitives in September 2013.

### **OTP-Residual Mechanism**

Mr. President, Your Excellencies, I will now turn to the activities of the OTP of the Residual Mechanism. This reporting period has involved much activity on the establishment of The Hague branch, the recruitment of staff for core and ad hoc functions, preparation of the budget for the 2014-2015 biennium, the setting up of systems and procedures to streamline operations and ensure greater coordination between the OTP Arusha and Hague Branches as well as the management of the *ad hoc* and core activities of the Mechanism OTP in general.

In May 2013, in preparation of the start of operations of The Hague Branch, I participated in the annual regional conference of chief prosecutors



in the former Yugoslavia in Brioni, Croatia, together with the ICTY Prosecutor."

I am pleased to report to you, that the recruitment of core staff for The Hague Branch, which was launched on 1 July 2013, is almost complete. I am hopeful that the remaining core staff will be in place by the end of this year. In addition, OTP staff in both the ICTR and ICTY have been designated to double-hat for the MICT-OTP during their tenures at the respective tribunals in order to support the Mechanism as envisaged by the Security Council. The creation of a roster of potential staff for recruitment in the event of an arrest and subsequent trial or appeal is also in progress.

Tracking of the three fugitives, namely *Félicien Kabuga*, *Protais Mpiranya* and *Augustin Bizimana*, remains a top priority for the Mechanism. The OTP continues to actively engage with all States with which the fugitives may have any connections. I plan early in the year to visit a number of countries in East, Central and Southern Africa in order to secure enhanced cooperation in the tracking effort. I would like to take this opportunity to thank INTERPOL and the US Department of State through its War Crimes



Rewards Program for their continuing support in these efforts. The Security Council should continue to call on all States to cooperate fully with the Mechanism in order to ensure that those indicted are brought to account. That will ensure that justice is done for the victims and survivors of this great tragedy and a proper closure of this process of accountability in which the United Nations and the rest of the international community have rightly devoted considerable effort and resources.

The Mechanism OTP, in conjunction with INTERPOL and the Office of Global Criminal Justice of the US State Department, continues to lend support to Rwanda's tracking efforts with regard to the six fugitives cases that have been referred to Rwanda (*Charles Sikubwabo, Fulgence Kayishema, Ladislav Ntaganzwa, Aloys Ndimbati, Ryandikayo and Pheneas Munyarugurama*).

Last Month, November 2013, I joined the Presidents and Registrars of the ICTR and of the Mechanism on the first joint ICTR/Mechanism Principals' mission to Rwanda to meet with senior government officials in order to, *inter alia*, brief them on the Mechanism, the ICTR's remaining



work, the ongoing transition of responsibilities from the ICTR to the Mechanism and the areas for potential cooperation between Rwanda and the Mechanism, particularly in the area of training and other capacity building efforts.

In relation to the continuing activities of the Mechanism-OTP, the OTP has during this reporting period responded to a total of 80 requests for assistance from 17 countries and international organisations out of a total of 112 requests for assistance for both the Arusha and Hague Branches. Responding to these requests has involved locating and reviewing relevant evidence, certifying documents, contacting witnesses, requesting variation of protective measures and seeking the consent of providers for disclosure of restricted material.

The Mechanism-OTP continues to monitor the cases of *Munyeshaka* and *Bucyibaruta* which were transferred to France in 2007, together with those of *Uwinkindi* and *Munyagishari* transferred to Rwanda in 2012 and 2013 respectively. *Bernard Munyagishari* was physically transferred to Rwanda on 24 July 2013 and his case is now at a pre-trial stage before the



Rwandan courts. The commencement of the trial of *Jean Uwinkindi* has now been set for 22<sup>nd</sup> January 2014 before the High Court in Rwanda. Both cases also continue to be observed by monitors approved by the MICT Prosecutor.

Briefing on the *Augustin Ngirabatware* appeal, the only appeal currently before the Arusha Branch of the Mechanism was completed by the parties during this reporting period and oral argument is anticipated in the first half of 2014. In addition, the Mechanism *ad hoc* appeals team responded to several motions filed in the *Ngirabatware* and *Niyitegeka* cases. The Mechanism-OTP Hague Branch has also been active in the reporting period, responding to the appeal of Radovan *Stanković* against a decision of the ICTY Referral Bench and to a motion for contempt filed by *Radovan Karadžić*.

Although established in two branches at The Hague and in Arusha, we are committed to ensuring that the OTP operates as a single office. I believe this can be attained through regular periodic consultations and working visits between staff, the redeployment of human and other resources between the





two branches in response to work demand and the harmonization, where possible, of working methods and prosecutorial regulations between the branches. The first of such high level consultations involving the Senior Legal Officers/OICs of the two branches, some senior staff with the Prosecutor has just concluded in Arusha. The meeting provided us with the opportunity to consider and agree upon measures which, in our view, will enhance the efficiency of a single OTP of the Mechanism. In this respect, I have last week promulgated a Code of Conduct for the staff of the MICT OTP which regulates the professional conduct of such staff as well as regulations for the management of foreign requests for assistance.

Mr. President, Your Excellencies, the ICTR remains committed to and confident of a timely and efficient completion of its mandate with the conclusion of the bulk of appeals anticipated in 2014 and the conclusion of legacy related works by that time. The Mechanism too is now fully operational with both branches largely staffed and attending very actively to both its continuing and ad hoc activities. The support of the management and staff of both the ICTR and the ICTY, the Secretariat of the United Nations and of Member States as well as the very effective and dynamic leadership



of Honorable Judge Theodor Meron, the first President of the Mechanism have all combined to achieve this historic launch and functioning of a new international tribunal within a relatively short period. We are confident that with that continuing support, the Mechanism will, despite challenges in tracking of fugitives amongst others, also come to realize the mandate set for it by the United Nations.

I thank you for your attention.