



STATEMENT

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The Hague, 5 June 2014

Address to the U.N. Security Council
Justice Hassan B. Jallow
Prosecutor, International Criminal Tribunal for Rwanda
Prosecutor, Mechanism for International Criminal Tribunals
5 June 2014

Mr. President
Your Excellencies,

This reporting session for the ad hoc International Criminal Tribunals falls shortly after the recent commemoration by the Security Council and the world at large of the 20th anniversary of the 1994 Rwandan Genocide against the Tutsis.

On 7th April 2014, the UN Secretary-General, together with Heads of State and Government, ambassadors and other representatives of member states and the principals of the ICTR and the MICT joined the people of Rwanda in Kigali to commemorate the 20th anniversary of the genocide in a solemn ceremony presided over by His Excellency the President of Rwanda. The ICTR and the MICT also held a joint session in Arusha, Tanzania on 10th April to commemorate the occasion.

On 16th April 2014, Council, at its 7155th meeting, stood in solidarity with the people of Rwanda in solemn remembrance of one of the greatest human tragedies of the 20th century.

We at the ICTR and the MICT share the Council members' expressions of remorse at the occurrence of this tragedy and commend its unflinching support for justice and accountability as well as its commitment to give reality to 'Never Again'. The tragedy of Rwanda in 1994 highlights very seriously the need for effective measures to prevent mass atrocities and for timely and effective steps by the international community to protect communities that are under threat of such atrocities.

We hope that the role of the ICTR in the process of post-genocide justice and reconciliation in Rwanda has also provided a basis for effective accountability for such crimes as well as further strengthening of the international community's resolve to ensure that such atrocities are indeed never again allowed to occur. The ICTR which will also commemorate its 20th anniversary in November this year is honoured to have been part of the international community's programme to ensure accountability for the crimes committed during those dark days in Rwanda and to restore peace and reconciliation in that community. In the course of its mandate, the ICTR has indicted 93 leading figures of whom: 61 were convicted for genocide, crimes against humanity or war crimes; 14 were acquitted at trial or on appeal; 2 indictments were withdrawn prior to trial; 3 accused died prior to or during trial; and 10 have had their cases referred to national jurisdictions for trial. Of the 10 referred to national jurisdictions, 6 remain at large. A further 3 fugitives are reserved for trial at the Mechanism.

The process of justice and accountability has not, it must be acknowledged, been exclusively the preserve of the international system. Rwanda, through both its conventional and traditional Gacaca courts has undertaken the prosecution of the bulk of perpetrators of the genocide and contributed significantly to the restoration of peace and to the reconciliation of the community. Several other countries - in Europe and the Americas particularly - have also contributed to this process by undertaking local prosecution of genocide suspects, extraditions or deportations of suspects or acceptance of cases on referral from the ICTR. The process of accountability has been a truly global effort. Underpinning it all is the sacrifice of thousands of victims and survivors who have come forward and testified before the courts, reliving their bitter experiences in order to help the courts establish the truth and render justice. To all these States and to the witnesses, we owe a debt of gratitude.

As we commemorate the 20th Anniversary of this tragic event, prepare for the imminent closure of the ICTR and the complete takeover of its functions by the Mechanism, we need to recognize, despite many achievements, that much remains to be done to bring the process of legal accountability to a proper end.

Member states need to cooperate with and support the Mechanism and Rwanda to ensure that the nine remaining fugitives are arrested and transferred to the appropriate jurisdiction for trial; the many persons suspected of involvement in the genocide who could not be indicted by the tribunal need to be extradited to Rwanda for trial or prosecuted by the states where they reside; witnesses who require protection need to be secured against those seeking to subvert the process of justice; those who have been acquitted or have finished serving sentences need to be assisted with resettlement. These are all matters in which only member states can provide solutions. We look up to their full cooperation in these respects.

ICTR OTP

Turning to the work of the ICTR during this reporting period, I am pleased to report that with the completion of the oral arguments on appeal in the Ildephonse Nizeyimana and the Callixte Nzabonimana cases on April 28 and 29, 2014, the Tribunal's remaining appellate workload continues to be reduced and is on track to timely completion. Earlier in this reporting period, the Appeal Chamber also completed the hearing of oral arguments in the Édouard Karemera and Matthieu Ndirumutse appeals in February 2014 at which appeal session it also delivered judgement against three accused in the Ndindiliyimana et al appeal. Prior to that, judgement in the Grégoire Ndahimana case was delivered on 16th December 2013.

Judgement is now awaited in the case of Augustin Bizimungu, whose appeal was severed from the other Military II accused, as well as in the Nizeyimana and Nzabonimana cases. Oral argument in the ICTR's last appeal—the six-accused Butare case—has not yet been scheduled, but OTP staff are actively litigating a large number of post-trial motions and preparing for final submissions in this case.

Alongside its appellate work, OTP staff remain actively engaged with completion of the remaining critical activities, including updating all records of past disclosure for a smooth transition to the Mechanism. Archiving of OTP records continues apace and with the commissioning of the OTP archives store mentioned in my last report, more records are positioned for transfer to the Mechanism archives. In this reporting period a further 225 boxes in respect of 5 cases were handed over to the archives. The processing, appraisal and security classification of all OTP records continues.

ICTR-OTP staff also continue to assist MICT-OTP staff in a double-hatting capacity whenever required, particularly in connection with the monitoring of referred cases as well as preparations for oral arguments in the Augustin Ndirabatware case.

The OTP's residual work, especially around good practice experiences and manuals continues to attract interest from research as well as practitioner quarters particularly in the efforts to meet the challenges of Transitional Justice. Our cooperation with other UN agencies in this regard has been most useful. The OTP Manual on Investigation and Prosecution of Sexual Violence was launched at an international workshop I hosted in Kampala on 30-31 January 2014 and is now available to all States. A series of regional training events are being planned on this subject for later this year. I am happy to report that UN Women has played and continues to play an important role in these activities.

MICT OTP – Residual Mechanism

Turning to the activities of the MICT, I am pleased to inform the Council that with the completion of recruitment of core staff of the OTP in both Arusha and The Hague, the work of the two branches as well as inter-branch coordination is progressing well.

At the Arusha Branch creation of a roster of potential staff for recruitment in the event of an arrest of a fugitive is in progress.

To enhance further cooperation in the tracking and arrest of the three (3) fugitives, Felicien Kabuga, Protais Mpiranya and Augustin Bizimana, I have in the reporting period visited several countries in the SADC and Great Lakes region and held high level and productive consultations with Ministers of government as well as senior security officials. I am pleased to report that the Mechanism has been assured effective cooperation in pursuance of my requests. Further visits to more countries in the region are planned before the end of the year. It is my hope that with increased cooperation between member states and my staff on the ground, the tracking and arrest of the fugitives will be accelerated and yield positive results. This will continue to be a top priority for the Mechanism and so should it be for member states as well.

The MICT-OTP continues to receive a steady stream of requests for assistance and in the current reporting period 51 requests from 10 countries were responded to.

Monitors appointed by my office continue to monitor the cases of the two (2) indictees [Jean Uwinkindi and Bernard Munyagishari] referred to Rwanda in 2012 and 2013 respectively and those of Bucyibaruta and Munyeshaka referred to France in 2007. The trial of Jean Uwinkindi was scheduled to commence 14 May 2014 with testimony from witnesses located in Rwanda. Meanwhile, pre-trial proceedings in the case of Bernard Munyagishari are ongoing and no firm trial date has yet been scheduled. My recent consultations with French judicial authorities also disclose significant progress in the management of the two cases in France.

The oral arguments in the Ngirabatware case, the only appeal pending from the Arusha Branch, are tentatively scheduled for 30 June 2014.

The MICT-OTP Hague Branch has, in addition to establishing itself to its full capacity, been active in the reporting period. The advance ad hoc appeals team has been set up. The Hague Branch works closely with the ICTY OTP and makes use of double-hatting arrangements to prepare for future appeals in the MICT and to make efficient use of resources.

Regarding judicial activities I am pleased to report that the briefing of a request for review of the ICTY judgement against Milan Lukić has been completed. The Hague Branch has responded to nine (9) applications for variation of protective measures from national judicial authorities in relation to more than 30 ICTY witnesses. The Hague Branch has provided information to the Registrar regarding the enforcement of sentences in relation to five persons convicted by the ICTY.

Cooperation with national juridical authorities is going well. There has been an unforeseen increase in the number of requests for assistance received by the Hague Branch. A temporary position has been created to manage resulting backlogs. Since my last report, the Hague Branch has responded to 121 requests for assistance primarily from prosecutors from the former Yugoslavia. The Hague Branch works closely with the liaison Prosecutors from Bosnia and Herzegovina, Croatia and Serbia placed at the ICTY OTP. My office is, also in the process of negotiating additional Memoranda of Understanding with respective state prosecutors in the region to entrench cooperation and mutual legal assistance and ensure smooth continuity as the MICT-OTP takes over mutual assistance and cooperation responsibilities of the ICTY-OTP.

Further, my office recently had the pleasure of participating in the annual regional conference of prosecutors from the former Yugoslavia held in Brijuni, Croatia.

Mr. President, Your Excellencies,

I am confident that the ICTR remains on track for timely completion and closure of its remaining appellate work with the conclusion of all cases save the Butare appeal by the end of 2014.

We therefore consider 2014 a fitting year to organize, as we plan to do, subject to voluntary contributions from member states two critical components of the ICTR legacy programme. The 7th Colloquium of International Prosecutors which will seek to identify the challenges and prospects for national prosecution of international crimes and the lessons that the work of the tribunals can offer in this regard. This Colloquium will be complemented by an international Symposium on the contribution of the ICTR to international justice, peace and reconciliation. We look forward very much to the support of member states to make these events possible. Finally allow me, Mr. President to acknowledge with appreciation this Council's resolution 2150 of 2014 calling for urgent and active support of member states, especially in the Great Lakes Region, to realistically show their commitment to the fight against impunity by supporting the Mechanism in tracking and arresting the few outstanding fugitives slated for trial in Arusha and in Rwanda. This remains the biggest challenge not only for the tribunal but also for the cause of international justice and accountability.

Thanks you for your attention.

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