



## STATEMENT

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## PRESIDENT

Arusha, The Hague, 9 December 2015

# **Address to the UN Security Council Judge Theodor Meron President, Mechanism for International Criminal Tribunals 9 December 2015**

Mr. President, Excellencies, Ladies and Gentlemen:

It is an honour to appear before you once again to report on the work of the Mechanism for International Criminal Tribunals.

Before I proceed with my remarks, I would like to offer my congratulations to the United States on its assumption of the Presidency of the Security Council. I also wish to express my gratitude to the Security Council's Informal Working Group on International Tribunals, and to offer my particular thanks to Chile for its superb leadership of this group.

As always, I must also underscore my deep appreciation for the assistance provided to the Mechanism by the Office of Legal Affairs, and in particular by the Legal Counsel, Mr. Miguel de Serpa Soares, and the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias. Their support, and the support of their whole team, continue to be invaluable to the Mechanism and its continued success.

Finally, I wish to note that I appear before the Council along with two of my dear friends and colleagues, President Vagn Joensen of the ICTR and President Carmel Agius of the ICTY. This is a historic day for both of them and for the Tribunals they represent. President Joensen has presented the final report to this Council on behalf of the ICTR, and I wish to commend him for the integrity and dedication with which he has led that court since 2012, helping to ensure that the Tribunal's work is brought to a successful conclusion at the end of this year. President Agius, meanwhile, is appearing before the Council for the first time as the President of the ICTY. It has been my great pleasure to work with him closely over the past four years when he was Vice-President of the ICTY, and I wish him every success as he steers the ICTY toward the completion of its own vital remaining tasks in these, the Tribunal's final years.

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Mr. President, Excellencies, as the written, six-monthly report recently submitted by the Mechanism makes clear, the Mechanism continues to carry out the mandate entrusted to it and to do so in a manner that reflects a commitment to the highest possible standards as well as to this Council's vision of a small, efficient, and economic institution.

Since I last appeared before this Council, the Mechanism's Judges have issued a great number of judicial orders and decisions, addressing everything from the enforcement of sentences to requests for review of judgements to applications for the variation of protective measures granted to vulnerable witnesses and victims. At the same time, all three of the Mechanism's organs have continued preparations at the working level for the historic appeals that are anticipated to begin this spring following the conclusion of the Karadžić and Šešelj trials at the ICTY as well as for the trials of the remaining fugitives indicted by the ICTR whose cases are the responsibility of the Mechanism. These preparations have included the creation and augmentation of staff rosters, as called for under the Mechanism's Statute.

Over the last six months, work on the Mechanism's legal and regulatory framework has also progressed well, and a number of new policies and other regulatory instruments addressing matters ranging from legal aid to access to archives are expected in the coming months. The Mechanism has continued to monitor proceedings referred for trial in Rwanda and France and to receive and respond to requests for assistance in relation to proceedings in national courts. The Mechanism has also continued to supervise the enforcement of sentences in

a number of States on two continents, and remains very appreciative of the commitment and cooperation of those enforcing States.

During the reporting period, important advances have been made at both branches in terms of the preparation and transfer of records from the Tribunals to the Mechanism, with the great majority of ICTR records of long-term or permanent value now in the Mechanism's custody. At the same time, the Mechanism has continued to take a number of steps, both large and small, to facilitate greater access to the records entrusted to it.

At the Arusha branch, the last six months have been particularly busy, as the Mechanism has increasingly assumed responsibility for remaining functions and obligations of the ICTR, including responsibility for the United Nations Detention Facility, in anticipation of the ICTR's closure at the end of this year. A number of ICTY administrative sections have worked together with staff at the Mechanism and the ICTR to ensure that all contractual arrangements and structures are in place at the Mechanism's Arusha branch to ensure the uninterrupted provision of administrative services following the ICTR's closure. Progress on the construction of the Mechanism's permanent premises in Arusha has continued to be made. We are very grateful for the generous support of the Government of Tanzania and invaluable assistance from various offices of the UN Secretariat in connection with this project.

All of this, I should note, has been accomplished at the same time that the Mechanism, together with a number of other departments and offices throughout the United Nations, has undergone the labour-intensive process of transitioning to Umoja.

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Mr. President, Excellencies: While the reporting period has been a productive one, the Mechanism continues to face certain challenges, challenges of which I have spoken before.

When the Mechanism opened its doors in Arusha on 1 July 2012, there were nine individuals indicted by the ICTR who had yet to be arrested and brought to trial. Thanks to Prosecutor Jallow's considerable efforts, we have some news to report on which the Prosecutor will brief the Council in a few moments. While the Mechanism's own fugitive-tracking activities continue, the involvement and commitment of Member States is essential if we are to ensure that the fugitives are apprehended. And ensure that we must. The Council's continued attention to this issue is vital, and very much appreciated.

The second challenge facing the Mechanism involves the resettlement of the small number of persons acquitted by the ICTR or who have completed the sentences imposed by that Tribunal. The Mechanism continues to seek ways to promote resettlement, but as is true with the fugitives, we are dependent on the involvement of the international community to solve the humanitarian challenge posed by this issue. This challenge is, in many respects, a challenge to and for international justice itself, and we remain very grateful for the continued leadership of the Council in urging Member States to help find a solution.

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Before concluding my remarks, I wish to take note that, pursuant to the statement by the President of the Security Council of 16 November 2015, the Mechanism has submitted a report in connection with the review of its work in the initial period of its operations and provided additional information to facilitate this important review process. Mr. President, Excellencies, I am most grateful for the attention that you and your colleagues are giving to the review of the work of the Mechanism during what I know is a very busy time. The Mechanism stands ready to offer any further information or assistance that may be of use to the Council in connection with the completion of the review by 21 December 2015, as called for by the presidential statement.

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Mr. President, Excellencies, the Mechanism has accomplished much over the course of the initial period of its operations, and indeed, in just the last six months as well. While much important work remains to be done—including the completion of those trials and appeals that are expected to come within the jurisdiction of the Mechanism—the Mechanism is prepared to carry out this work efficiently and effectively while respecting the entire panoply of fair trial rights.

As the initial period of its operations draws to its close—a period in which the Mechanism has benefited greatly from the support of and coexistence with the ICTR and the ICTY—the Mechanism is increasingly standing on its own, as a separate institution: an institution that learns from the lessons of its predecessors and fulfils its obligations and its mandate both economically and effectively.

The Mechanism's success in this regard depends to a great deal on effective management, management that is focused on seeking out new, principled ways to ensure economy and efficiency, and management that takes full advantage of the Mechanism's novel structure and legal framework. Thus, for instance, the Mechanism's

Statute already provides for single Judges—rather than full Trial Chambers, as was the case at the ICTR and the ICTY—to address most matters at first instance. But even where the Statute calls for assignment of a multi-Judge panel, significant savings as compared with the ICTR and the ICTY may be achieved as a result of pre-trial and pre-appeal Judges carrying out much of the preparatory work for cases, with the full bench for a case involved only if and as necessary, and in those situations remunerated only for the days of work conducted. This work by the full bench would also be conducted remotely unless the bench's presence is required at one of the seats of the Mechanism. I wish to assure you that my fellow Principals and I continue to invest all of our energies and focus in helping to ensure that the Mechanism lives up to its promise and is truly a model of what an international judicial institution should be.

In doing so, the Mechanism will not only be a credit to the United Nations and to this Council. The Mechanism will also—like the ICTR and the ICTY before it—serve as a vital and continued embodiment of the international community's dedication to the fight to end impunity.

In a world where armed conflicts still rage on continent upon continent, where atrocities against civilians continue unabated, and where international humanitarian law can still be violated with impunity—in this world, we must not underestimate the need for, and the importance of, such symbols of our shared and continued commitment to principled accountability, to international law, and to respect for the rule of law. We must not underestimate the value of institutions like the Mechanism that demonstrate that that respect for the rule of law must be paramount, that we cannot—and shall not—tolerate impunity for serious violations of international law, and that justice can be delivered efficiently and economically yet in accordance with the highest possible standards. And it is, perhaps, all the more important now—as we despair at the indescribable violence and violations that continue to be committed in conflicts around the globe—that this Council take all possible steps to ensure that those important tools at its disposal in the fight against impunity, like the Mechanism, realize their full potential.

Thank you.

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