



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

The International Residual Mechanism for Criminal Tribunals ("Mechanism") was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda ("ICTR") and the International Criminal Tribunal for the former Yugoslavia ("ICTY") after the completion of their respective mandates.

STATEMENT

PRESIDENT

(Exclusively for the use of the media. Not an official document)

Arusha, The Hague, 6 June 2018

Address to the UN Security Council
Judge Theodor Meron
President, International Residual Mechanism for Criminal Tribunals
6 June 2018

Mr. President, Excellencies, Ladies and Gentlemen:

It is a privilege to appear before this Council once again to provide a briefing on the progress of the work of the International Residual Mechanism for Criminal Tribunals during the last six months, and a great pleasure to do so under the Presidency of the Russian Federation.

I would like to take this opportunity to express my appreciation for the considerable attention and effort devoted by the Members of the Council's Informal Working Group on International Tribunals to the Mechanism, particularly in the context of the recent review of the Mechanism's progress in completing its mandate. I am grateful to the Members of the Working Group for their sustained support, and wish to express my particular gratitude for Peru's adept leadership of that Group.

Finally, the Office of Legal Affairs has continued to provide vital assistance to the Mechanism during the reporting period, and I wish to convey my deep appreciation to Under Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias, and their colleagues for their important contributions to our work.

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Mr. President, Excellencies:

Since I appeared before this Council last December, the Mechanism has undergone a number of key developments. Upon the historic closure of the International Criminal Tribunal for the former Yugoslavia at the end of 2017, the Mechanism has—for the first time since its founding—begun to stand on its own, without the support of its two predecessor Tribunals, and has taken on the full ambit of the residual functions entrusted to it. The Mechanism also assumed, for the first time, full responsibility for a broad array of administrative services essential to the conduct of its mandate and continued to carry

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out a re-trial and conduct a wide range of other proceedings both inside and outside the courtroom during a period of heightened judicial activity. Significantly, the Mechanism has done all of this whilst facing unprecedented and unexpected challenges regarding resource constraints and, as a result, the rapid implementation of expenditure reductions, the deployment of staff downsizing measures, and the deterioration of staff morale.

The reporting period has thus been an arduous one for the Mechanism in many respects. Yet it has also seen the Mechanism—and, in particular, its remarkable staff—show resilience and creativity, addressing new operational risks with resourcefulness and ingenuity and continuing to seek out novel ways to enhance the conduct of the Mechanism’s mandate. In this context, I wish to express my particular gratitude to the Mechanism’s Registrar, Mr. Olufemi Elias, and his team for their perseverance in the handling of the Mechanism’s unprecedented budget situation and its myriad implications for the institution. And I wish to acknowledge my fellow Judges for their work leading to another significant development: the adoption in April of a revision to the Code of Professional Conduct for the Judges of the Mechanism introducing a new procedure by which Judges may themselves be held accountable for adherence to the principles set forth in the Code. This important advance demonstrates, once again, the Mechanism’s commitment to best practice and to serving as a model for accountability in all respects.

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This is but one example of an important milestone reached during the past reporting period. I will keep my remaining remarks brief and touch on only a few of the matters discussed more extensively in my written report submitted on 17 May.

During the reporting period, the Mechanism has continued to make important strides in the conduct and completion of its judicial work. In the case of Vojislav Šešelj, the appeal hearing was conducted on 13 December 2017 and the judgement delivered on 11 April 2018. An appeal hearing in the case of Radovan Karadžić was conducted on 23 and 24 April, ahead of the projections made last November. The aim is to complete this case in December 2018, significantly earlier than previously forecast.

In the meantime, the retrial in the case of Jovica Stanišić and Franko Simatović is proceeding apace, with the Prosecution’s presentation of its case on-going. Appeal proceedings in the case of Ratko Mladić are also underway, with both the Prosecution and Mr. Mladić having filed notices of appeal and briefing in progress. Review proceedings in the case of Augustin Ngirabatware are likewise continuing, following the withdrawal and replacement of Mr. Ngirabatware’s counsel. A hearing in this case, originally scheduled for February, is now expected to be conducted in the latter half of this year.

A host of additional, ad hoc judicial matters are also pending before the Mechanism, involving everything from motions concerning allegations of contempt of court to applications to vary the protective measures granted to vulnerable witnesses. As indicated in my written report, the filing of such ad hoc judicial requests before the Mechanism can be expected to continue for some time to come.

Good progress is being made on a number of other fronts as well. With regard to the enforcement of sentences, for instance, the Mechanism transferred eight convicted persons from the UN Detention



Facility in Arusha to enforcement States during the reporting period, including four individuals to Senegal and four to Benin. The Mechanism is continuing in its efforts to address enforcement needs for the remaining convicted persons at both branches, and it is our aim—subject to the cooperation of States—to complete the transfer of all finally convicted persons currently held at either the UN Detention Facility in Arusha or the UN Detention Unit in The Hague within this year. If this is achieved, it would represent a major step towards completion of our mandate in this area. The Mechanism extends its appreciation to Member States currently enforcing sentences, or considering doing so, for their vital support.

Important milestones were reached during the current reporting period in the area of archives management as well, with the handover of the final—and substantial—tranche of physical and digital records from the ICTY to the Mechanism and the relocation of the ICTR's physical records into the custom-built archives facility in Arusha. The Mechanism has continued its efforts to increase and enhance the accessibility of records in its custody throughout the reporting period, including by expanding the availability of judicial records on publicly searchable databases and providing technical support and advice to important external projects, such as the new Sarajevo Information Centre on the International Criminal Tribunal for the former Yugoslavia launched just days ago. Subject to resource constraints, the Mechanism looks forward to providing support for initiatives to develop further such information and documentation centres in the former Yugoslavia in the months to come, in keeping with this Council's guidance in resolution 1966, and to the continued exploration of ways in which the Mechanism's cooperation with the Government of Rwanda can be enhanced, in line with Security Council resolution 2256.

In the meantime, the Mechanism continues to carry out other key residual functions entrusted to it—from the provision of assistance in support of accountability efforts in national jurisdictions, to the ongoing monitoring of cases referred to national courts, to the delivery of essential witness protection services. In doing all of this, the Mechanism strives to adhere to the highest standards and to seek out ever greater efficiencies by deploying innovation and creativity at every turn.

In this context, I wish to underscore the Mechanism's appreciation of the work of the Office of Internal Oversight Services, which—in addition to its regular audits of specific aspects of the Mechanism's operations—completed a broader evaluation of the Mechanism's implementation of its mandate during the period of 2016 through 2017.

We welcome OIOS' confirmation of the Mechanism's achievements in everything from ensuring trial readiness to increasing cost-efficiency and streamlining workflows in key areas. But we are also just as grateful for OIOS' feedback and recommendations for ways in which the Mechanism can improve its methods and work, such as by enhancing cross-branch coordination to strengthen the Mechanism's one institution approach, restructuring the provision of administrative services to better address the needs at both branches, and deploying human resource tools to monitor gender parity.

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Mr. President, Excellencies:

If international justice and the fight to create a global culture of accountability are to succeed in the long run, it will only be possible if we remain open to such improvement, innovation, and creative problem-solving—whether it is my colleagues and I at the Mechanism or, as suggested by the valuable open debate conducted recently in this hall under the Polish presidency, the distinguished Members themselves. And it will only be possible if we continue to work together, maintaining an unerring focus on the core principles underlying not just the Mechanism’s establishment but the work of the United Nations more generally.

For this on-going commitment and for the sustained and sustaining support that the Members of this Council continue to provide to the Mechanism and to broader efforts to ensure principled accountability for serious violations of international law, I thank you.
