



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, 17 October 2018

Address to the UN General Assembly Judge Theodor Meron President, International Residual Mechanism for Criminal Tribunals 17 October 2018

Madam President, Excellencies, distinguished delegates, ladies and gentlemen:

It is my profound privilege to appear before this Assembly once again, and for the final time, as President of the International Residual Mechanism for Criminal Tribunals.

Before turning to the substance of my remarks, I would like to take this opportunity to warmly congratulate you, Madam President, on the assumption of Ecuador to the Presidency of this Assembly and to wish you every success during your term.

I would also like to express my thanks for the vital support and cooperation provided to the Mechanism by the Office of Legal Affairs and especially by Mr. Miguel de Serpa Soares, the Under Secretary-General for Legal Affairs and United Nations Legal Counsel, and Mr. Stephen Mathias, the Assistant Secretary General for Legal Affairs.

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Madam President, Excellencies:

Justice. Accountability. The Rule of law. These are principles that figure among our noblest and highest ideals—and commitment to these principles forms the bedrock of our Organization. But as familiar as these ideals may be, I would nonetheless ask us all to pause for a moment and reflect on why it is that they matter.

Justice matters, I submit, because it is by pursuing accountability through independent, impartial, and rigorously fair adjudication that we cement respect for the rule of law, and, by doing so, build the bricks that lead us on pathways to peace.

Justice matters because it is through judicial proceedings that we defend and demand adherence to the values embodied in our laws—laws that reflect in many ways our better selves, laws that denounce cruelty and malice, and laws that, at the international level, reflect the fundamental expectation that even in the chaos of armed conflicts, we shall be guided by, and we shall strive to protect, basic humanity.

International Residual Mechanism for Criminal Tribunals

Arusha Tel.: +255 (0)27 256 5376

The Hague Tel.: +31 (0)70 512 5691

Email: mict-press@un.org

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www.irmct.org



Justice matters because, at its core, it represents a profound acknowledgment of human dignity, of the importance of every life, of the pain of the victims, and of the responsibility we have for one another.

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In everyday life, we may not reflect a great deal upon the value of justice, of accountability, or of the rule of law. But it is when we stand aggrieved—when we watch loved ones taken away on trains and trucks never to return, when we bear witness to brutality and barbarism, or bear such brutality and barbarism ourselves: That is when we are most keenly aware of the value of justice. And it is when we endeavour to rebuild our lives and our communities in the wake of devastating violence—when we strive together to bring about lasting peace—that we are most aware of the crucial foundation that justice, accountability, and the rule of law provide.

Over the course of nearly three quarters of a century, the United Nations has borne witness, time and again, to horrific atrocities and utter inhumanity. In the face of some of the worst crimes, conflict, and chaos imaginable, the United Nations is at its undeniable best when it acts swiftly and decisively to prevent suffering and when it takes concrete steps to ensure that our common and vital commitment to justice, to accountability, and to the rule of law will be upheld.

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The International Criminal Tribunals for Rwanda and for the former Yugoslavia were born of just such compelling demands for justice and accountability. And from the time they were established, these Tribunals were true pioneers, blazing a trail for all of the other efforts to ensure individual accountability for violations of international law that would follow in the intervening years.

In case after case, these Tribunals clarified the contours of international humanitarian and human rights law, reinforced respect for the law, and made plain that no one stands above it. They demonstrated the singular importance of fairness and due process. And they brought into sharp focus the horrific atrocities committed during the 1994 genocide against the Tutsi in Rwanda and across the region of the former Yugoslavia during the terrible conflicts there.

The legacy of these Tribunals, in short, is a remarkable one. And it is one that the International Residual Mechanism for Criminal Tribunals—as their successor and the institution established to carry out and complete their residual, essential responsibilities—proudly carries forward today.

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Madam President, Excellencies:

As set forth in the written report submitted in August, the Mechanism has made good progress over the course of the past year. From providing protection and support for vulnerable victims and witnesses to supervising the enforcement of sentences of those convicted, and from preserving and managing the Tribunals' incomparable archives to responding to requests for assistance from national jurisdictions, the Mechanism has continued to carry out the core functions entrusted to it. As detailed in the written report, the Mechanism's Prosecutor, Mr. Serge Brammertz, and his Office have also continued their efforts to locate and arrest the remaining fugitives indicted by the ICTR and the Mechanism. The cooperation of Member States with these efforts remains vital to ensuring these fugitives are brought to justice, just as State cooperation is vital for so many other aspects of the



Mechanism's work, from the enforcement of sentences of those convicted to the relocation of those who have been acquitted and released to smooth functioning on the territory of our Host States.

And of course, the Mechanism has continued to be engaged in a wide range of judicial activities, with the Judges of the Mechanism issuing one appeal judgement and scores of other decisions and orders during the reporting period as well as amending the Rules of Procedure and Evidence. In addition, and significantly, the Judges adopted a revision to the Code of Professional Conduct for the Judges of the Mechanism that introduced a disciplinary procedure—further evidence of the Mechanism's commitment to accountability and best practice in all that it does.

As set forth in the written report, the Mechanism reached another important milestone when, following the closure of the ICTY in December 2017, the Mechanism began to operate, for the first time since its establishment, as a standalone institution, without the support of its predecessors. While the Mechanism weathered unexpected budgetary challenges during this same time-frame, thanks to the leadership of the Mechanism's Registrar, Mr. Olufemi Elias, the exceptional professionalism and dedication of the Mechanism's staff, and the support of this Assembly, the institution has emerged with a demonstration of resilience. Indeed, in many ways we have redoubled our efforts to improve operations, working methods, and procedures so as to maximize efficiency and effectiveness while also seeking to serve as a model of careful stewardship of the limited resources entrusted to us.

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Although the reporting period ended on 30 June 2018, I wish to take this opportunity to briefly touch upon three developments since that time before concluding my remarks.

First, it grieves me to report the sad passing of Judge Mparany Mamy Richard Rajohnson of Madagascar earlier this month, a colleague who was appreciated and respected by his fellow Judges and staff alike, both at the Mechanism and, before that, at the ICTR. He will be greatly missed. With his passing, and in light of two other vacancies on the judicial roster created by the departure of Judge Bakone Justice Moloto of South Africa and the non-renewal of the term of Judge Aydin Sefa Akay of Turkey, the Mechanism now has only 22 Judges on its roster. I wish to take this opportunity to express my appreciation to all those who are taking steps to help fill these vacancies.

Second, I am pleased to report that the Mechanism's courthouse in Arusha saw its first judicial activity in September, with the initial appearance of five individuals indicted on charges of contempt of court. This first hearing went very smoothly and demonstrates the Mechanism's readiness to respond at short notice when the remaining fugitives expected to be tried by the Mechanism are located and arrested.

Finally, as some may already be aware, in recent weeks, changes have been made to the composition of the Appeals Chamber benches hearing the appeals in the cases of Ratko Mladić and Radovan Karadžić following motions for the disqualification of certain Judges, including myself. In the Mladić case, and in accordance with the Rules of Procedure and Evidence, responsibility to decide the motions for disqualification was assumed by the most senior Judge able to act, and he granted the motions to disqualify Judge Carmel Agius, Judge Liu Daqun, and myself. In the Karadžić case, following the filing of a motion for my disqualification, I withdrew from the case prior to the senior Judge issuing a ruling.

While I have every confidence that my fellow Judges now on the benches of these two cases will take all possible measures to ensure that the changes in bench composition do not extend the time for these proceedings any more than necessary, I regret that I will no longer be in a position to see the Karadžić case to its conclusion by the



end of this year, as had been the aim. Nonetheless, as set forth in my decision withdrawing from the bench in that case, I considered it to be in the interests of justice that I withdraw from the case in order not to allow the then-pending disqualification proceedings to impede the progress of the appeals in the case.

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Madam President, Excellencies:

So it is that I end my remarks as I began them today: with a focus on justice.

Underlying the creation of the ICTY in the early 1990s¹ was a principle brilliantly articulated by Hegel: Let justice be done lest the world should perish. This same principle must continue to guide us today—not just at the Mechanism but at the United Nations more generally.

It has been my profound privilege to do my part to serve this noble end as a Judge for nearly two decades and as President of the Mechanism since the institution's inception. For this extraordinary opportunity to serve, and for the opportunity to bid you farewell today, I thank you.

¹ See Annual Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, 29 August 1994, UN Doc. A/49/342 & S/1994/1007, para. 18.