



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") which closed in 2015 and 2017, respectively.

STATEMENT

PROSECUTOR

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

Arusha, The Hague, 12 June 2023

Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council 12 June 2023

Madame President, Excellencies,

Thank you for this opportunity to again update you on my Office's activities and results.

While my written report provides information through 15 May, I would like to focus my briefing today on several important developments in the last few weeks.

Madame President, Excellencies

First, I would like to express my satisfaction that on 23 May, Fulgence Kayishema, our most wanted Rwandan fugitive, was arrested in Paarl, South Africa.

As you will recall, the search for Kayishema was the subject of several of my briefings in recent years, as were the challenges in obtaining needed cooperation.

As I previously explained, Kayishema is charged with the killings of more than 2,000 innocent women, men, children and elderly at Nyange Church in Rwanda on 16 April 1994.

He is alleged to have attempted to set the church aflame with the refugees inside. When that failed, he organized a bulldozer to collapse the roof of the church, killing those who still remained alive.

Kayishema's arrest is a signal moment in the global effort to punish perpetrators of genocide.

This kind of result renews faith in international justice. The families of 2,000 victims will now see Kayishema answer for his alleged crimes. The wrongs they suffered thirty years ago can begin to be put right.

For this Council and the United Nations, you have demonstrated again the strength of your determination to ensure that genocide is repressed and punished, and that justice for atrocity crimes is a matter of international concern.



As well, this arrest exemplifies what can be achieved through international and national cooperation in law enforcement.

While my Office led this investigation, many Member States, particularly in southern Africa, played a critical role in bringing Kayishema to justice.

South Africa is the most obvious.

Over the last year, my Office enjoyed the full and unreserved support of South African authorities, who established an operational task force to assist our investigations. The direct operational cooperation we achieved together was essential to our success, particularly on the final day of the arrest.

Eswatini also deserves recognition. Swazi authorities quickly created a task force at our request, and worked intensively with our tracking team. Their dedication and cooperation were exceptional.

Mozambique was another important partner. I am grateful to the Attorney General for having received my team and pledging her Office's full support.

And as always, Rwandan authorities made enormous contributions to our success. The Prosecutor General, the Inspector General of Police and many others supported our work in Rwanda and ensured we were able to obtain vital evidence.

My Office would like to extend our deepest gratitude to these countries and others who cooperated with our investigation. The challenges were immense, and it was only by working so closely together that Kayishema was finally located and arrested.

There are now only three fugitives remaining. My Office is working intensively to account for them and bring this mandate to a successful conclusion.

Madame President, Excellencies,

One week after Kayishema's arrest, the Mechanism Appeals Chamber delivered its last judgement in an ICTY case, Stanišić and Simatović.

My Office is satisfied that the Appeals Chamber accepted key aspects of our appeal.

The Judges agreed with us that both accused were criminally responsible as members of a joint criminal enterprise for a larger number of crimes in Bosnia and Herzegovina.

As the chief and senior deputy in the Serbian State Security service under Slobodan Milosevic, Stanišić and Simatović shared the intention with other Serbian, Croatian Serb and Bosnian Serb leaders to ethnically cleanse non-Serbs from large areas of Croatia and Bosnia and Herzegovina. They further contributed to the implementation of the joint criminal enterprise in important ways, particularly by supporting notorious paramilitary groups.

The Appeals Chamber further increased their sentences to fifteen years of imprisonment each.



This judgement is a fitting final chapter in the work of the ICTY. Over thirty years of work, we were able to successfully prosecute senior political, military and police officials from all sides of the conflicts. We demonstrated that accountability for the most serious international crimes is possible, while also leaving as our legacy a record of what occurred.

Madame President, Excellencies,

I would also like to mention the decision issued by the Trial Chamber last week in the Kabuga case.

This decision is not yet final and will likely be appealed.

What I can say at this point is that my Office believes the trial against Kabuga can and should be completed in a manner that is consistent with the rights of the accused.

Madame President, Excellencies,

The arrest of Fulgence Kayishema and the completion of the Stanišić and Simatović case are significant steps bringing the Mechanism closer to finalizing its judicial activities.

Under the President's leadership, the Mechanism is actively planning its future as a true residual institution. My Office is fully participating in this process and providing our input and support.

In my view, the Mechanism must and will soon be a smaller institution than today. That will mean strictly focusing resources on core functions.

At the same time, it is important to recognize that my Office and the Judges of the Mechanism will still have important work to do.

For my Office, our focus will in particular be on our mandate under Article 28(3) to assist national jurisdictions to continue the accountability process for international crimes committed in Rwanda and the former Yugoslavia.

This mandate is in furtherance of the ICTR and ICTY Completion Strategies, which foresaw that even as trials ended in Arusha and The Hague, national courts would take over responsibility for achieving more justice.

As my written report details, there can be no question that much more justice still needs to be achieved at the national level.

In Rwanda, there are more than 1,000 fugitives to be prosecuted. My Office is already actively working to transfer evidence and case files to the Prosecutor General's office.

In the former Yugoslavia, national prosecutors still must deal with several thousand cases. In addition to evidentiary and legal support, my Office is intensively engaging in resolving challenges in regional judicial cooperation, which remains problematic.



In addition, every year countries around the world identify in their territories persons suspected of committing crimes in Rwanda or the former Yugoslavia, who then need to be extradited or prosecuted.

My Office plays a critical role in supporting this continued accountability process. In the last few years, we have received more requests for assistance than ever before. This is a positive sign, as justice is best delivered at the local level.

Investigators and prosecutors in many countries look to my Office for assistance in obtaining evidence, preparing investigative strategies, drafting indictments and proving their cases in court. This vital assistance, which helps achieve better results, cannot be obtained anywhere else.

I fully trust that we will continue to enjoy the Security Council's support in carrying out this vital mandate, through which Member States themselves take the lead in securing further justice and promoting peace.

Madame President, Excellencies,

In closing, the last several weeks have seen the Mechanism achieve important results, bringing it much closer to completing its final ad hoc judicial activities.

After more than twenty years, Fulgence Kayishema is no longer a fugitive and will now stand before a court of law.

The Stanišić and Simatović appeal judgement brings to an end the important work in The Hague the ICTY began thirty years ago.

In relation to both Rwanda and the former Yugoslavia, the international justice process has been imperfect. Significant time was needed, and there are lessons to be learned from constructive critiques. Yet, the results have been beyond expectation, and a significant success for the United Nations.

More justice still needs to be achieved, and Member States are committed to now taking the lead in this work. Very soon, my Office will be fully focused on our remaining residual functions, the most important of which is assisting Member States to continue the accountability process.

As a last comment, genocide denial and the glorification of war criminals remain significant concerns. The international community is determined to bring war criminals to trial. It should be equally committed to promoting the truth after those trials are completed.

My Office is grateful for the continued support of this Council in all of our efforts.

Thank you for your attention.
