



STATEMENT

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PRESIDENT

Arusha, The Hague, 8 June 2016

**Address to the UN Security Council
Judge Theodor Meron, President
Mechanism for International Criminal Tribunals
8 June 2016**

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.

Mais avant toute chose, je tiens à féliciter Son Excellence Monsieur François Delattre, ambassadeur de France, pour l'accession de son pays à la présidence du Conseil de sécurité. En tant que Membre permanent du Conseil de sécurité, la France joue un rôle essentiel dans les questions de justice internationale et je tiens à lui adresser tous mes vœux de réussite à la présidence du Conseil.

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 Uruguay, which has assumed leadership of this group. I look very much forward to working with His Excellency Ambassador Elbio Rosselli and Minister Patricia Benítez going forward.

I would be remiss if I did not once again express my sincere gratitude for the assistance provided to the Mechanism by the Office of Legal Affairs, and in particular by the Under Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, a tremendous ally for

international justice, by the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias, and by their whole team.

Finally, I wish to acknowledge both President Carmel Agius of the ICTY and the new Prosecutor of the Mechanism, who is also the long-serving ICTY Prosecutor, Mr. Serge Brammertz. It is a pleasure to appear before the Council with both of them today.

Mr. President, Excellencies, I had the privilege of appearing before this Council six months ago as the Mechanism was undergoing the first review of its work by this Council. We appreciate the directions and guidance of the Council as to our work going forward set forth in resolution 2256 (2015) and have paid attention to those matters, as my written report demonstrates.

The past six months have seen a number of important developments at the Mechanism.

On 15 December 2015, the ICTY Appeals Chamber delivered its judgement in the case of Jovica Stanišić and Franko Simatović, ordering a re-trial. Consistent with the Transitional Arrangements, the Mechanism is responsible for this re-trial. I have assigned the case to a three-Judge panel and pre-trial proceedings are already well underway.

The month of March saw the delivery of two important trial judgements at the ICTY, in the cases of Radovan Karadžić and Vojislav Šešelj. The pre-appeal proceedings in these cases are already underway in the Mechanism, where I have assigned the cases to two panels of Judges in the Appeals Chamber.

During the pre-appeal proceedings in these cases, as in the pre-trial proceedings in the case of Messrs. Stanišić and Simatović, the full panel of Judges is called upon to take part in addressing

requests only if and as needed, a practice that produces substantial reductions in the costs of judicial activities.

In addition to the three cases I have just mentioned, the Mechanism's Judges continue to address a wide array of requests for various forms of relief, working on matters ranging from requests to provide assistance to national judicial authorities to applications alleging contempt of court and issuing nearly 200 decisions and orders during the reporting period. From the Republic of Korea to Portugal and from Madagascar to Uruguay, the Mechanism's Judges have been active throughout the reporting period, working remotely from their homes and offices around the world and carrying out their judicial functions carefully, diligently, and to the highest possible standards.

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This reporting period had seen a number of important advances in other areas of Mechanism responsibility as well.

With the closure of the ICTR in December 2015, the Mechanism has assumed responsibility for the remaining functions of the ICTR as of 1 January 2016. Once again, the transfer of these functions occurred seamlessly. Preparations are underway for the Mechanism to relocate to the new premises of the Arusha branch later this year as the construction project nears to completion. We remain deeply appreciative of the support of the Government of the United Republic of Tanzania and the sustained assistance from various offices of the UN Secretariat in connection with the construction of the new, minimalist facilities designed to house the Arusha branch.

Important progress continues to be made in a number of other areas at the Mechanism, from the transfer of the Tribunals' records to the Mechanism and continued efforts to enhance access to the Tribunals' records to the improvement of processes related to the provision of assistance to national jurisdictions. The legal and regulatory framework of the Mechanism has been strengthened and augmented during the reporting period with a recent amendment to the Rules of Procedure and

Evidence and the issuance of a number of new practice directions and policies. In the Netherlands, legislation has been passed providing domestic legal effect for the provisions of the Headquarters Agreement with the Netherlands and entry into force of the Agreement itself is near.

The Mechanism also continues to benefit from regular audits by the Office of Internal Oversight Services and I have been personally involved, and invested, in the ongoing study related to governance and institutional culture. As was the case with the review process, I am confident we will gain valuable insight into how the Mechanism can become even better as a result of this process. In the meantime, we continue to seek to maximize efficiencies and apply innovative new approaches to our work, such as by exploring ways to deploy cloud technology and tele-commuting to facilitate the work of the Judges carrying out their functions remotely.

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Mr. President, Excellencies, as many of you may recall, when last I appeared before you in December the then-Prosecutor of the Mechanism, Mr. Hassan Bubacar Jallow, reported that one of the remaining fugitives indicted by the ICTR, Mr. Ladislas Ntaganzwa, had been arrested. This was a significant achievement, not just for the Mechanism but for international justice and for all of us who seek to ensure accountability.

In March, and consistent with the referral of his case to the Republic of Rwanda for trial by the ICTR, Mr. Ntaganzwa was transferred to Rwanda. In accordance with its Statute, the Mechanism is already monitoring the proceedings in Rwanda with regard to Mr. Ntaganzwa thanks to the assistance of monitors from the Kenyan Section of the International Commission of Jurists. Monitoring of the other cases referred for trial to Rwanda and France is ongoing.

With eight fugitives remaining—of whom three are to be tried by the Mechanism—the Mechanism’s fugitive-tracking activities continue under the able leadership of the Mechanism’s new Prosecutor, Mr. Serge Brammertz. However, we cannot do this alone. The sustained support and involvement of

Member States in relation to these tracking activities is essential if we are to ensure that the remaining fugitives are apprehended and thus carry out one of the essential functions entrusted to us.

The Mechanism is also reliant upon, and deeply grateful to, those States which have agreed to enforce sentences imposed by the ICTR, the ICTY, or the Mechanism itself. I am very pleased to announce that a new enforcement-of-sentences agreement with the Republic of Mali was recently concluded. This new agreement reflects best practices in the field of detention, including the Nelson Mandela Rules adopted by the United Nations General Assembly last December.

I sincerely hope that as we move ahead additional States will step forward and enter into such enforcement agreements, helping to expand the Mechanism's critically important enforcement capacity. In the meantime, I wish to acknowledge the important cooperation and support received from the Government of the Republic of Senegal as the final steps are being taken to commence enforcement of sentences there.

The Mechanism continues to explore options to address the increasingly urgent situation of the small number of individuals in Arusha who were acquitted by the ICTR or who have completed the sentences imposed by that Tribunal. Despite our best efforts, however, we are, as this Council is well aware, dependent on the international community to help resolve this long-standing humanitarian challenge. Pending such resolution, the Mechanism has carefully reviewed the broad array of support that had been provided by the ICTR to these persons in Arusha, and is implementing a more limited, cost-effective approach.

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Mr. President, Excellencies, as we move ahead into the next two-year period of our operations—one which will see the historic closure of the ICTY and the transfer of all remaining functions to the Mechanism—this Council has my pledge that we will continue to encapsulate and promulgate best

practices, to innovate wherever possible, and to seek ever greater efficiencies whilst never forgetting our fundamental role as a court or the terrible atrocities that led to our establishment. In doing so, I am confident that the Mechanism will not only fulfil its responsibilities to its predecessor tribunals, to affected communities in Rwanda and the former Yugoslavia, to courageous victims and witnesses, and to this Council—and do so to the highest possible standards. It will also serve as an emblem of what an international court and a United Nations institution can and should be and an embodiment of the international community's profound commitment to justice and the rule of law.

Thank you.

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