



The Mechanism for International Criminal Tribunals (“MICT” or “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. The MICT has two branches, one in Arusha, Tanzania, and one in The Hague, Netherlands.

STATEMENT

PRESIDENT

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

Arusha, The Hague, 18 October 2017

**Address to the UN General Assembly
Judge Theodor Meron
President, Mechanism for International Criminal Tribunals
18 October 2017**

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen:

It is my privilege to appear before this Assembly as President of the International Residual Mechanism for Criminal Tribunals.

Before proceeding, I would like to congratulate you, Mr. President, on the assumption of the Slovak Republic to the Presidency of the General Assembly. I wish you every success during your term.

I also wish to acknowledge the invaluable support provided 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.

Finally, I wish to acknowledge my colleague, President Agius. As a former President of the International Criminal Tribunal for the former Yugoslavia myself, it is a particular privilege to appear here together with him today on the milestone occasion of the ICTY’s final report to this Assembly.

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Mr. President, Excellencies,

A few weeks ago, the world lost none less than a titan in the field of international law, Professor M. Cherif Bassiouni. He was, notably, among the first to call for the creation of a tribunal to try those accused of grave violations of international law in the former Yugoslavia, and he was instrumental in the creation of the

International Criminal Court. He is, in many respects, the founding father of modern international criminal law, to whom we are all deeply indebted for his legal wisdom and his moral insight.

As Professor Bassiouni has recognized (and I quote): “peace is not merely the absence of armed conflict. It is the restoration of justice, and the resort to the rule of law to mediate and resolve ... conflicts.”

It was in recognition of these very principles—of the irreplaceable role of justice and the need to ensure accountability for horrific violations of international law through the rule of law—that in 1993 the ICTY was established and, a year later, the International Criminal Tribunal for Rwanda. The commitment of the United Nations to seeking accountability when faced with mass atrocities has continued apace over the last quarter century and continues to this day, both in this august hall and elsewhere in the Organization.

The Mechanism was borne of this same commitment to justice and the rule of law, in recognition of the fundamental need to ensure that the remaining fugitives could and would still be called to account, even after the closure of the ICTR and the ICTY.

However, the creation of the Mechanism bespeaks something more: a recognition that, with justice, come certain enduring responsibilities, responsibilities that remain even after the Tribunals’ final judgements on trial or appeal have been handed down. I speak of responsibilities to vulnerable victims and witnesses granted protections to facilitate their testimony, to convicted persons serving their sentences or seeking to have them revised, to States and individuals that provided sensitive information now preserved in the invaluable archives of the two Tribunals, and to those communities that seek to ensure accountability in their own courts for terrible crimes committed in Rwanda and the former Yugoslavia—to name just a few.

These are solemn undertakings. If we at the Mechanism were to fail to meet these residual responsibilities, it would not simply be a failure for the legacies of the ICTR and the ICTY. It would be a failure for international justice, risking the unravelling of all that has been built over the last quarter century. For, what victims and witnesses will come forward in the future to give evidence as to what they have seen in Syria, in Iraq, or in countless other conflicts if it becomes apparent that we cannot continue to provide the protections granted to victims and witnesses who appeared before the ICTR and the ICTY? What State will cooperate with future investigations by providing sensitive information if we cannot ensure the safeguarding of the confidential information that made possible essential elements of the *ad hoc* Tribunals’ work? What quality of justice is rendered in court if, in years to come, we cannot guarantee that prisoners’ conditions of confinement remain consistent with basic human dignity?

In short, the Mechanism’s mandate is indisputably limited in material and temporal scope and its functions residual in nature—but our successful completion of that mandate is both the necessary consequence of what has already been achieved by international justice and an essential precursor for continued progress in our fight to end impunity for violations of international law.

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Mr. President, Excellencies,

As set forth in the Mechanism's written report submitted in August, we have made important strides in carrying out the Mechanism's mandate over the course of the past year. In the time remaining, I will highlight a few of the important developments set forth in our report.

First, since I last appeared before this Assembly, the Mechanism has welcomed a new Registrar: Mr. Olufemi Elias of Nigeria. I very much appreciate his effective leadership of the Registry and his support to me in my role as President.

On the judicial front, the Mechanism commenced its first retrial in June, in the case of *Stanišić & Simatović*, and that trial proceeds apace. I am pleased to report that in the case of *Ngirabatware*, a bench of the Mechanism's Appeals Chamber—as originally constituted—was able to resume its work in June, and a hearing in that case will take place in the coming months. The Mechanism's Appeals Chamber remains seized of appeals in the cases of *Karadžić* and *Šešelj*, and a hearing in the latter case has been scheduled for 13 December. The Appeals Chamber stands ready to hear any appeal that may follow issuance of the ICTY trial judgement in the case of *Mladić*, anticipated next month. All the while, the Judges of the Mechanism continue to address a variety of requests and applications, with the great majority of the Judges working part-time from their homes and offices the world over.

The Judges of the Mechanism likewise stand ready to try the remaining fugitives indicted by the ICTR, and the Mechanism's Prosecutor, Mr. Serge Brammertz of Belgium, is committed to arresting and bringing to justice these fugitives. His Office is refocusing and strengthening its efforts in this regard, recognizing that the window of opportunity will not remain open forever.

In November of last year, the Mechanism opened its landmark new premises in Arusha at a ceremony presided over by Her Excellency Samia Suluhu Hassan, the Vice-President of the United Republic of Tanzania. In this context, I wish to once again record our sincere gratitude to the Government of the United Republic of Tanzania, together with which a shared vision for the future has been realized under the guidance of this Assembly.

Over the course of the past year, staff in Arusha and in The Hague have been working together to ramp up the Mechanism's administrative capacity so as to ensure smooth operations on both continents where the Mechanism operates following the ICTY's closure at the end of this year. We remain grateful to all that staff of both the ICTR and the ICTY have done over the years to provide administrative and other support to the Mechanism during the institutions' respective periods of co-existence, and for the very significant economies gained through these arrangements.

In all that we do, we also remain dependent upon the ongoing support and cooperation of Member States. In Africa, in particular, and in Europe, we have continued to work with partner States over the last year to make significant advances in areas such as the enforcement of sentences and the relocation of acquitted and released convicted persons, to mention but two key areas of fruitful cooperation. Simply put, the successful, timely, and efficient completion of the Mechanism's mandate will not be possible without this continued support and cooperation of Member States.

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Mr. President, Excellencies,

Professor Bassiouni once wrote—quite rightly—that no price can be put on the value of doing what is right. At the same time, however, I am keenly aware that the resources to carry out our mandate are necessarily limited, and that our careful stewardship of these resources is itself a solemn responsibility.

With this in mind, we must—and do—ensure that our work is undertaken with the greatest efficiency, the greatest efficacy, and in the most cost-effective manner possible, including by ensuring that our judicial proceedings are conducted as expeditiously as possible. We strive to continually identify and implement best practices and technological innovations wherever possible, and to responsibly budget accordingly. And we remain ever mindful that ours is a small and temporary institution whose functions and size will diminish over time, such that—even as we are in the final stages of establishing an administrative capacity to stand on our own and entering a period of peak judicial activity—we are already planning for the steps necessary to scale down thereafter. We owe nothing less to this Organization and to the public interest of the international community at large that, together, we serve.

Thank you.

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