



STATEMENT

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The Hague, 1 July 2013

Statement by Justice Hassan Bubacar Jallow, Prosecutor of the Mechanism for International Criminal Tribunals at the launch of the Hague Branch

1 July 2013

Mr President of the MICT, Hon. Judge Theodore Meron

Your Honours

Honourable Minister of Security and Justice of The Netherlands

Madam Under secretary-General for Legal Affairs & Legal Counsel of the UN

Mr Registrar of the MICT, Mr Prosecutor of the ICTY

The Lord Mayor of the City of Den Haag

Distinguished guests

Colleagues

Today marks yet another milestone in the evolution of the process of international criminal justice with the inauguration of The Hague Branch of the International Residual Mechanism for Criminal Tribunals. One year ago today, we witnessed the official opening of the Arusha branch of the Mechanism in Arusha, Tanzania. I am happy to report that the OTP of the Arusha branch is now fully operational with a full complement of staff and has been actively pursuing the implementation of its mandate since 1 July 2012.

The opening of The Hague Branch today will usher in the second and final phase of the establishment of the Mechanism for the Tribunals. The Mechanism is mandated by its Statute to continue the functions of the ICTY and ICTR during the period of its operations and in this respect the material, territorial, temporal and personal jurisdiction of the two ad hoc Tribunals as well as their rights and obligations subject to the Mechanism Statute.

Thus from its establishment, the OTP of The Hague Branch will be engaged in both ad hoc as well as core activities. The former will comprise the management of all appeals where the notices of appeal have been filed on or after 1 July 2013. Unlike the Arusha Branch, which has three outstanding fugitives pending and earmarked for trial in Arusha, The Hague Branch has no fugitives outstanding and will not therefore undertake trial work except in respect of possible re-trials and trial of contempt cases. The core activities of the single OTP of the two branches are however similar and comprise among other things, management of archives, legal assistance to and capacity building in national jurisdictions, enforcement of sentences, management of review proceedings, witness protection, management of disclosure matters etc.

The recruitment of the core staff of the Hague Branch of the OTP is actively underway with some staff already in place. I expect that all of the core staff numbering seven persons will have been recruited and in place shortly. Advertisements for ad hoc positions for Mechanism appeals teams will be posted in the next few weeks and I would like to encourage all interested persons to apply. I would like to record our appreciation of the support and cooperation of the OTP and the Registry of the ICTY in this respect and in the preparations for the commencement of the Branch.

The establishment of the Mechanism is indeed a truly historic occasion, marking as it does the conclusion of an important phase in international criminal justice with the imminent closure of the two main ad hoc Tribunals – the ICTR and the ICTY- and in a very innovative and cost effective manner ushering in another. It is however

also a challenging process-presenting challenges to both staff and management and indeed to the constituencies of the ad hoc Tribunals. The operations of the Arusha Branch for the past twelve months have demonstrated that these challenges can be overcome. The process of ensuring accountability for international crimes continues in a lean but effective and efficient manner. The phased establishment of the two Branches of the Mechanism will enable us to take advantage of the lessons learnt from the establishment of the Arusha Branch.

The Mechanism will rely, for the success of its operations, on the support of the existing Tribunals in many ways: on the double-hatting of staff; the commitment of management and the provision of support services; and the dedication and competence of its small number of staff; and particularly on the cooperation of member states in all aspects of its activities. I am confident that this support will be available and that The Hague Branch, like its counterpart the Arusha Branch, will take off well and conduct its operations effectively.

The states of the former Yugoslavia will continue to be the focus of capacity building as well as the sharing of information held by the OTP. In May, upon the invitation of the State Attorney General of the Republic of Croatia, I conducted my first official visit to the region as Prosecutor of the Mechanism to attend the 7th Regional Conference of Prosecutors of the states that made up the former Yugoslavia. Naturally, local prosecutors from all the states were interested to learn about the future of mutual legal assistance and the continuing transfer of technical expertise to support local prosecutions. I wish to reassure them that the establishment of The Hague branch of the Mechanism will mark a jurisdictional change but our partnership with national authorities in the region will continue on matters of legal assistance, capacity building and the various other projects that already exist between them and the ICTY-OTP.

In this regard, I wish to thank all our international partners with special appreciation to the European Union for its unflinching support to the ICTY and particularly to the OTP over the years. I am aware of the tremendous support the European Union gives to ICTY-OTP projects and my office looks forward to this continuing cooperation and partnership between the EU and the Mechanism.

One of the biggest challenges that the Mechanism as a whole faces is the tracking and arrest of the three remaining fugitives indicted for genocide and related crimes by the ICTR: Felicien Kabuga, a former businessman and director of the infamous Radio Milles Collines; Protais Mpiranya, former Commander of the Presidential Guard; and Augustin Bizimana, former Minister of Defence of Rwanda. They are charged with playing a leading role in the most serious crimes under the law and in the context of one of the worst humanitarian tragedies of modern times. Justice and peace in the region require that they be arrested and held to account for their roles in the 1994 Rwandan genocide. The Mechanism which has jurisdiction over their cases will continue to pursue their arrest vigorously. But we need the support of all states if we are to succeed. On this occasion I seize the opportunity to call on all states to live up to their legal responsibility of cooperation with the Mechanism. For those in which the fugitives are suspected to be hiding, to conduct vigorous and credible efforts to arrest and transfer them to the Mechanism and for other states to provide the necessary support to this process. It is only in this way that the international community can bring some real closure to the process of accountability for the international crimes committed in Rwanda in those dark days of 1994.

Today, I would like to thank many: - the Government and people of The Netherlands and the City of Den Haag for being such wonderful hosts to the increasing number of important international organizations and institutions which find a natural home here in The Hague in view of your commitment to global peace and justice; to Ms Patricia O'Brien, the Under Secretary-General for Legal Affairs and Legal Counsel at UN Headquarters in New York who is present among us here today, and all her staff for their crucial role in the conception, design and nursing of the Mechanism, and indeed of all the international criminal tribunals; to the staff- past and present- of all the tribunals who have through the dedicated and competent discharge of their duties helped establish international criminal justice as an important element of the international arena; to all member states which have over the years provided support to this process in several different ways.

Finally, to Judge Theodore Meron President of the ICTY and President of the Mechanism as well as John Hocking Registrar of the ICTY and of the Mechanism and Mr Serge Brammertz Prosecutor of the ICTY to whom we are greatly indebted for their leadership in international criminal justice and more particularly in the implementation of UN Security Council Resolution 1966 of 2010 relating to the establishment and functioning of the Mechanism.

I thank you all.

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