



## STATEMENT

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Arusha, The Hague, 3 June 2015

# Statement by Justice Hassan B. Jallow Prosecutor UN-ICTR & UN-MICT to the United Nations Security Council 3 June 2015

Mr President,

Your Excellencies,

I feel greatly honoured to once more present a progress report on the work of the OTP of both the ICTR and of the MICT, this time covering the six months since December 2014.

The ICTR has now reached a milestone in the march to completion and closure. In 2015, the Office of the Prosecutor presented its oral arguments in the case of the *Prosecutor vs Nyiramasuhuko and five others*, otherwise known as the *Butare* case. This is the last appeal and the last case of the ICTR and the oral hearing which took place in April is significant in bringing to a close a very important chapter in the life of the Tribunal and the mandate of the Office of the Prosecutor. We expect that the request of this Council that all cases at the ICTR be completed by end of 2015 will be fulfilled by delivery of the final judgement in the *Butare* case before the end of 2015. I would like in this regard to thank all the staff of the OTP ICTR, indeed of the whole Tribunal who have for several years devoted their time and talent and energies to the execution of the ICTR mandate and generally to the cause of international justice.

Accordingly, a sizeable number of appeal staff, including some members of the *Butare* appeal team, secretarial, language and administrative staff, who have worked tirelessly over the years in the appeals division of the ICTR-OTP were separated from the Tribunal in May 2015 following the conclusion of the oral hearing in the *Butare* case. A small number of staff has been retained in the OTP Appeals Division in order to complete outstanding pre- and post-appeal proceedings in the *Butare* case as well as other ongoing closure and legacy-related activities. The Council will recall that earlier on, with the conclusion of trials and the establishment of the MICT Arusha Branch, the investigations and trial divisions of the OTP had been abolished.

The ICTR Office of the Prosecutor continues to make progress in other areas such as archiving, disclosures, and legacy projects. In the past six months since November 2014, 1100 boxes of material linked to active cases, particularly in respect of the three MICT fugitives, Felicien Kabuga, Protais Mpiranya and Augustin Bizimana, have been cleaned, processed, classified and transferred to the MICT-OTP. A significant amount of material in closed cases has already been handed over to the MICT Registry and this process will continue to the end of 2015. However, staff separation and attrition continue to hamper efforts towards a timely completion of the remaining OTP archiving work and current staff have been consistently urged to double their efforts. Notwithstanding, we shall continue to work towards concluding the remaining archiving work of the OTP by the end of 2015.

The completion of legacy and best practices projects including the writing of the genocide narrative based on facts judicially established by the Tribunal, remains on course for conclusion by the end of the year. In January 2015, the OTP ICTR completed and published in the ICTR and MICT websites, its report on the Tribunal's experience in the referral of cases to national jurisdictions, highlighting the challenges of empowering national jurisdictions to discharge their primary responsibility to investigate and prosecute international crimes and how some of these challenges can be addressed. We believe that the ICTR experience carries useful lessons for the implementation of the principle of complementarity, the bedrock of international criminal justice.

### **Mechanism OTP**

The Mechanism Office of The Prosecutor, continues to take over functions from the ICTR and ICTY OTPs as mandated by the Mechanism Statute. A few months ago in April, during the period of remembrance of the 1994 Rwandan genocide, I visited Rwanda and met with various Rwandan Government officials and discussed various issues of mutual interest particularly in respect of the tracking fugitives and the management of the cases referred by the ICTR to Rwanda for trial. The Mechanism Office of the Prosecutor continues to intensify efforts on tracking the three top fugitives earmarked for trial by the Mechanism. We remain fully committed to their arrest and trial before the Mechanism. We continue to work closely with our partners in the Government of Rwanda, particularly the National Public Prosecution Authority, INTERPOL, and the United States *War Crimes Rewards* Program under the State Department's Office for Global Criminal Justice. The OTP Investigations Section has been strengthened with new and additional staff, fresh initiatives have been taken and new working methods put in place to locate the fugitives and bring them to justice. I must stress however, that these internal measures need to be supported by the full cooperation of all states, particularly of those where indictees are suspected to reside, if the tracking efforts are to be successful.

With regard to judicial activities, judgment in the *Ngirabatware* appeal case, the only Arusha branch appeal case, was delivered on 18 December 2014 with his convictions for genocide affirmed by the Appeals Chamber. Following the delivery of judgment in this case, the staff members of the *ad hoc* appeals team which was handling the appeal on behalf of the Office of the Prosecutor have now separated from the Mechanism in

accordance with the policy to keep the staff size of the MICT at a low level. Meanwhile, the core staff, with assistance from ICTR-OTP appeal staff, continues to deal with post-appeal review litigation arising from requests filed by persons convicted by the ICTR.

The Office also continues to make preparations, including the creation of rosters, for fast recruitment of staff in order to handle the trials of the three MICT fugitives for the Arusha branch, and the possible appeals in *Vojislav Šešelj*, *Radovan Karadžić* and that of *Goran Hadžić* which are anticipated during the next twelve months.

We will continue our policy of active engagement with the countries in the former Yugoslavia in order to strengthen the close collaboration that has so far yielded good results in the arrest and prosecution of persons responsible for crimes committed in their national territories. I anticipate that the forthcoming international conference scheduled for Sarajevo and the Brijuni meeting this month will both provide opportunities for further consultations with our regional partners on the intensification of cooperation with and assistance to the national jurisdictions in the former Yugoslavia in their efforts to ensure accountability for the serious crimes committed in the region during the conflict.

The MICT OTP continues to provide assistance to national authorities and international organizations in the investigation and prosecution of crimes committed in Rwanda and the states of former Yugoslavia. In the past six months, the Mechanism Office of the Prosecutor has serviced a total of 208 requests for assistance from 10 countries and international organizations. As countries increasingly take over the functions of investigating and prosecuting the crimes, we anticipate an increase in the number of such requests for assistance from states and institutes.

Mr. President, Your Excellencies,

I wish to thank the members of the Council, the member states, the Secretary General and the United Nations Secretariat for your strong support to the ICTR over the years which has enabled the Tribunal to now reach this momentous stage in its mandate. Your unflinching commitment to the cause of international criminal justice has also enabled the Mechanism to take off and begin to execute its functions effectively in a very short period.

I thank you all.