



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, 6 December 2017

Address to the UN Security Council Judge Theodor Meron President, International Residual Mechanism for Criminal Tribunals 6 December 2017

Mr. President, Excellencies, Ladies and Gentlemen:

It is my privilege to brief you once again on the progress of the work of the International Residual Mechanism for Criminal Tribunals over the last six months, and to do so under the Presidency of Japan, a steadfast proponent of international justice. I would also like to express my appreciation to Egypt, Italy, Ukraine, Uruguay, and Senegal, the other outgoing members of the Security Council, whose support for the Mechanism and for international justice over their terms has been tremendously important.

In this respect, I wish to acknowledge in particular Ambassador Elbio Rosselli of Uruguay for his excellent leadership of the Council’s Informal Working Group on International Tribunals over the last two years, and to thank all the members of that Group for their support for the work and effective operation of the Mechanism. Likewise, I again express my appreciation for the guidance of the Office of Legal Affairs on a number of complex and sensitive issues, under the leadership of the Under Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, and the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias. It is also an honour to appear here today together with my colleagues and friends, President Agius, and with Prosecutor Brammertz for their final reports to this Council delivered on behalf of the ICTY.

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Mr. President, Excellencies:

Today, we mark a truly extraordinary milestone in international justice.

Just under twenty-five years ago today, this Council embarked upon a bold experiment: the creation of an international criminal tribunal to try cases involving some of the worst crimes the world has ever seen.

At the time of the Tribunal’s founding, many observers (and even, perhaps, some members of this Council) had doubts as to what this new court could or would achieve—whether there would be

arrests; whether there would be trials; and whether the court that had been created on paper could become a viable institution, translating into practice what was, at the time, still a new and somewhat radical ideal: ensuring individual accountability for international crimes.

As we all know today, the ICTY has more than put to rest these doubts, instead meeting and, indeed, surpassing its most optimistic supporters' aspirations.

In the hundreds upon hundreds of judicial decisions and judgements issued over the last quarter century, the ICTY has clarified and strengthened fundamental principles of international humanitarian and human rights law, and led to a resurgence of attention to customary international law. In case after case, the Tribunal has made plain that even the most complex of trials can—and must—be conducted in full accordance with the panoply of due process guarantees, setting the standard that all other trials for serious violations of international law must meet. And through its practices and procedures—which reflect a singular harmonization of different legal traditions into a coherent whole—the Tribunal has set valuable precedents for other courts around the world.

It is not too much to say that today, we stand in a world transformed by all that the Tribunal—together with the rising tide of other international courts and national accountability initiatives founded since 1993—has accomplished. Thanks to the brave experiment upon which this Council embarked in 1993, and thanks to all that the ICTY has achieved and made possible since that time, the principles of justice and international law invoked in the United Nations Charter are all the stronger, the voices of victims of gross violations of international law are better heard, and accountability for grave crimes is increasingly the expectation rather than the exception.

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Mr. President, Excellencies:

The ICTY's legacy is a proud one. As a former four-term President and long serving Judge of the ICTY myself, I am particularly honoured to act, together with my colleagues at the Mechanism, as a guardian of this legacy as we carry out and bring to their conclusion the essential residual functions of both the ICTY and its sister tribunal, the ICTR.

It is proper indeed that the focus of this meeting should be on the ICTY, its achievements, and the lessons to be learned from its work. I will therefore keep my remaining remarks brief and touch on only a few of the matters discussed more extensively in my written report submitted on 17 November.

The Mechanism, as the distinguished members of this Council are aware, is in a period of heightened judicial activity at present, with two major on-going appeals (in the cases of Radovan Karadžić and Vojislav Šešelj), the continuing retrial commenced last June in the *Stanišić & Simatović* case, and a host of additional *ad hoc* judicial matters addressing everything from requests for review of judgements to applications for access to confidential information.

I am pleased to report that a hearing of the Prosecutor's appeal in the *Šešelj* case will be held next week in The Hague, on 13 December 2017, and a judgement in that case is expected in the first part of 2018. An appeal hearing in the *Karadžić* case is expected by the end of the second quarter of 2018, with judgement expected in that case by late 2019. The advanced stage of appellate proceedings in both of these cases reflects the efficient working methods followed in the Mechanism's Chambers. I would also recall that any appeal that is filed from the ICTY's recent trial judgement delivered a fortnight ago today against Ratko Mladić would come within the jurisdiction of the Mechanism.

As the Members of the Council may recall, the Mechanism's Appeals Chamber granted a request for review in the *Ngirabatware* case last June, and following considerable interim litigation, a hearing on the matter has been scheduled for 8 to 16 February 2018, although a pending motion for the withdrawal of Mr. Ngirabatware's counsel may impact this hearing schedule. The hearing in this case is expected to mark the first judicial proceedings to be conducted in the courtroom at the Mechanism's new premises in Arusha, representing another important milestone for the Mechanism.

In the meantime, the Judges of the Mechanism continue to adjudicate a range of requests addressing everything from allegations of contempt to the variation of protective measures. In this context, I

note President Agius's order issued last week, which provided for the transfer of the ICTY's remaining contempt case to the Mechanism. This matter has now been assigned to a Single Judge of the Mechanism.

The Mechanism continues to make excellent progress in other areas as well, serving as a new, effective, and efficient model of international court as it carries out its myriad duties, from preparing to take on essential administrative and other key functions that have been carried out by the ICTY to date to actively assisting the Tribunal in its disposition of records and transfer of materials to the archives, and from further developing its legal and regulatory framework to carrying out a range of responsibilities in relation to the provision of assistance to national jurisdictions.

The supervision of the enforcement of sentences imposed by the ICTR, the ICTY, and the Mechanism is one of the crucial residual functions that the Council has entrusted to us. In previous meetings, I have kept the Council apprised of on-going engagement between the Mechanism and the Government of Senegal concerning the possible enforcement of sentences in that State. It is therefore a great privilege for me to announce that we are expecting four prisoners to be transferred from the UN Detention Facility in Arusha to the custody of the authorities of Senegal this very day. This step almost halves the population of prisoners remaining in Arusha awaiting transfer. I very much wish to acknowledge in this regard the particular commitment of the Permanent Representative of Senegal, His Excellency Mr. Fodé Seck, to achieving this outcome, which further confirms the extraordinary leadership role that Senegal has played—and will continue to play—in the field of international criminal justice.

Alongside this impressive development, negotiations with several Member States are now at an advanced stage concerning the enforcement of the sentences of the remaining six prisoners at the UN Detention Facility in Arusha. I believe and expect that, within the coming year, all prisoners at the UN Detention Facility in Arusha will have been transferred to enforcement States, which would represent a major step towards completion of our mandate in this area.

More broadly, I must once more express my gratitude for the invaluable support the Mechanism receives from Member States of the United Nations. Just as the extraordinary achievements of the ICTY would not have been possible without the cooperation and assistance of Member States over the last quarter century, so too does the timely and efficient fulfilment of the Mechanism's mandate depend upon the on-going support given by this Council, its Members, and the international community, and on the commitment of all concerned to preserving the invaluable legacies of both the ICTY and the ICTR.

For this on-going commitment and for the sustained and sustaining support that the Members of this Council continue to provide, I thank you.

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