

**MICT****UNITED NATIONS
Mechanism for International Criminal Tribunals**

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

REGISTRAR

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

The Hague, 17 May 2017

Remarks by Olufemi Elias, Registrar Mechanism for International Criminal Tribunals The Hague, 17 May 2017

Excellencies, ladies and gentlemen,

It is always an honour and a pleasure to have the opportunity to meet states' representatives who share a strong interest in international justice issues and in the work of the Mechanism for International Criminal Tribunals.

As the President already mentioned in his kind introduction, I joined the Mechanism as Registrar recently, in January 2017. This is therefore my first diplomatic briefing and I hope it will also be the beginning of a constructive and open dialogue with you all on the progress and the challenges of the Mechanism.

Today, in particular, I would like to focus my remarks on what I see as the Registry's current priorities and to highlight some of the areas where member states' assistance can play a vital role in strengthening the Mechanism's effectiveness.

The Mechanism is a unique institution with a complex and ambitious mandate. It integrates two institutions, the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) that, despite similar mandates and structure, had faced very different challenges and inevitably developed very distinct working methods. The Mechanism's mandate includes preventing impunity for individuals who have escaped apprehension by the International Criminal Tribunals, continuing the provision of support and protection for victims and witnesses who participated in the Tribunals' proceedings, monitoring the enforcement of the Tribunals' sentences and preserving the records and archives of those Tribunals' work. In addition, the Mechanism is mandated to operate, in accordance with the Security Council's Resolution 1966 (2010), as a small, cost-effective and efficient organization.

The Mechanism, therefore, is at the same time a synthesis of the ICTR and the ICTY, and a new institution. It builds on the best practices of the Criminal Tribunals and it strives to set forth innovative procedures. It has two branches across two continents and yet it operates as one unified organisation.

Moreover, the Mechanism is consolidating its status as a fully operational, self-standing judicial organisation, beginning with trial activity at the Hague branch, the possible apprehension of the ICTR fugitives still at large, and the closing of the ICTY.

In this context, the Registry's priorities in the upcoming period will include: 1) ensuring the Mechanism's trial readiness; 2) consolidating the Mechanism's administrative structure; 3) invigorating the resolution of long-standing issues, such as the enforcement of sentences and the relocation of acquitted and released individuals; and 4) advancing the preservation and access to the archives.

Let me now address each of these priorities in some detail.

Ensuring the Mechanism's trial readiness

The President has highlighted in his remarks the many judicial activities that the Mechanism has engaged in, from the first appeal judgement in the *Ngirabatware* case delivered in December 2014 to the beginning of appeal proceedings in the *Šešelj* and *Karadžić* cases, to the issuance of numerous orders and decisions including on requests for protective measures and early releases.

It should be noted that most of the legal proceedings related to these matters have been thus far adjudicated by Judges working remotely or by the Presiding Judge.

However, the imminent beginning of the first full trial before the Hague branch in the *Stanišić & Simatović* case has made it imperative to ensure that the organisation is fully trial ready and thus capable of sustaining regular and continuous court activity.

Indeed, one of the key responsibilities of the Registry is providing all necessary support to the Chambers, the Prosecution as well as the Defence in the conduct of the judicial proceedings. In this regard, the Registry has been prioritizing the strengthening of its regulatory framework including on matters pertaining to legal aid, translation, interpretation, etc. The Registry has also undergone a re-organisation of its court management services, and completed the recruitment for *ad hoc* trial-related posts. A Witness Support and Protection Unit ("WISP") is fully operational at both branches of the Mechanism. It is preparing to support witness activity during the trial in The Hague.

Finally, all required logistical and administrative arrangements are being finalised and the Registry stands ready for trial as necessary.

Consolidating the Mechanism's administrative structure

Since the commencement of its operations in 2012, the Mechanism has always been operating in parallel with its predecessors, the ICTR and the ICTY, or at least one of them. The ICTR completed its mandate three years into the life of the Mechanism, at the end of 2015. The ICTY is preparing to wind down in December 2017.

As a consequence, in the past five years, the Mechanism has been able to benefit from the readily available expertise and institutional memory of the ICTR and the ICTY staff, through the so-called double-hatting arrangements, thereby avoiding duplication of costs and maximising efficiencies. I would like to note for example that, up to this day, the ICTY Human Resources, Budget and Finance, Procurement, Information Technology, Security, and General Services Sections have been performing their functions not only for the ICTY but also for both branches of the Mechanism.

The closure of the ICTY at the end of this year will open a new chapter in the *modus operandi* of the Mechanism. It will also offer an invaluable opportunity for the Mechanism to further review and reflect on its practices and consider new solutions to outstanding matters. From the Registry's viewpoint, the first step in this process will be the finalisation of the Mechanism's budget submission for the biennium 2018-19 to the United Nations, the first budget of the Mechanism as a fully self-standing organisation.

Indeed, even more so than in the past, the on-going, internal budget discussions have created the opportunity to question and reassess the human and financial resources realistically required by the Mechanism to discharge its functions efficiently, without replicating the ICTR or ICTY budgets but rather critically considering feasible options.

As you may recall, the ICTR and the ICTY, at their peak of activities employed a combined total of over two thousand staff and had a combined budget of approximately USD 400 million per biennium. The Mechanism's approved staffing in 2016-17 comprises 176 continuous posts and 159 general temporary assistant posts across its two branches. Its budget is USD 130 million for the current biennium. The Mechanism is preparing to face its peak activity in 2018-19, but in line with its mandate and the UN Security Council's directive, it will continue to strive for cost efficiency and effectiveness.

This approach will also be replicated, if and as needed, in supporting the ICTY's liquidation process after December 2017. While the ICTY's liquidation is progressing smoothly, the MICT will stand ready to take over any residual tasks in this area, and to do so keeping in mind the invaluable lessons learnt from the support provided to the ICTR liquidation in 2016.

Enforcement of sentences

Among the functions of the Mechanism is the supervision of the enforcement of sentences for persons convicted by the ICTR, the ICTY and the Mechanism. These sentences are served in UN member states that have entered into enforcement of sentences agreements with the Criminal Tribunals or the Mechanism.

The Mechanism is currently overseeing the enforcement of sentences for 39 convicted individuals. Twenty-three individuals sentenced by the ICTR are serving their sentences in Benin (10) or in Mali (13). Sixteen individuals sentenced by the ICTY are serving their sentences in 9 states: Denmark (1), Estonia (3), Finland (2), France (1), Germany (4), Italy (1), Norway (1), Poland (2), and Sweden (1).

Nevertheless, 10 convicted persons in Arusha are still awaiting transfer to an enforcement state and in The Hague, 2 are awaiting transfer. Moreover, depending on the outcome of on-going trials and appeals, the Mechanism may need to secure the enforcement of additional sentences.

It is one of the Registry's priorities to intensify, under the supervision of the President, the Mechanism's efforts to transfer all convicted persons held in the detention facilities in Arusha and The Hague to enforcement states as soon as feasible within the next biennium. For this purpose, the Registry has been seeking cooperation from member states to either enter into enforcement of sentences agreement (mainly for the Arusha branch) or accept additional convicts (for The Hague branch). I would, thus, like to use the opportunity to thank the states that have so far assisted the ICTR, the ICTY and the Mechanism in this regard and to call for further support to ensure that the Mechanism can implement its mandate in this area and downsize its detention facilities to a minimum capacity.

Released and acquitted persons

Upon completion of the ICTR's mandate, the Mechanism also assumed responsibility for the relocation of eleven individuals who were either released or acquitted by the ICTR, and for the Safe House that hosts them in Arusha.

Whilst the government of Tanzania has been extremely generous and has allowed these individuals to remain on its territory as a temporary measure and pending their final relocation, it is clear that the matter constitutes a significant humanitarian challenge and it requires a comprehensive resolution.

In line with the Mechanism's determination to redouble its efforts on this matter, the Registry has intensified bilateral contacts with member states in the region and elsewhere to find countries willing to assist. While we are grateful for the support received so far, I would call on states to consider supporting the Mechanism in ensuring that all eleven individuals are successfully relocated.

Advancing the preservation and access to the archives

Last but not least, I would like to refer to the archives.

The UN Security Council designated the Mechanism as the custodian of the archives of the ICTR, the ICTY and the MICT, and as the entity responsible for their preservation and access. The Mechanism Archives and Records Section ("MARS") has been established at both branches to carry out these functions and coordinate the orderly and timely transfer of material from the Tribunals to the Mechanism.

The Archives represent an invaluable judicial and historical record, as well as a source of material for future potential prosecutions, comprising a staggering volume and variety of information. Just to give you a sense of the task at hand, I can mention that the ICTR archives comprise nearly 2,000 linear

meters of physical records and one petabyte of digital data, whereas the ICTY's archives will comprise about 10,000 linear meters of physical records and two petabytes of digital data. Having completed the transfer of the ICTR records to the Mechanism in December 2016, MARS is now overseeing the transfer of material from the ICTY ahead of the deadline of December 2017. At this stage, approximately 60% of the ICTY's records have been transferred and I am committed to supporting that process while also promoting access to its public component, further building on the archives' access policy adopted in 2016.

In closing, I should mention that today, you can get a glimpse into the archives, thanks to the small exhibition set up in the lobby and you can read about each item's history in the exhibition leaflets placed on your chairs.

Final remarks

I wish to sincerely thank you all for taking the time to attend our Briefing today and for your support of the Mechanism.

Thank you.
