



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

The International Residual Mechanism for Criminal Tribunals ("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") which closed in 2015 and 2017, respectively.

STATEMENT

PROSECUTOR

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

The Hague, 8 June 2020

Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council 8 June 2020

Madame President, Excellencies,

Thank you for this opportunity to address you about the activities of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals.

My written report provides details about our activities and results during the reporting period in relation to our strategic priorities. Today, I would like to highlight a few important issues.

Madame President, Excellencies,

The most significant development since my last report is that we have now accounted for two of the three major fugitives indicted by the ICTR.

On 16 May, Félicien Kabuga – one of the most wanted fugitives who is alleged to have been a leading figure in the 1994 genocide against the Tutsi in Rwanda – was arrested in Paris by French authorities. This arrest was the culmination of my Office's revised tracking strategy and intensified efforts since 2016.

As I previously reported to you, we shifted from reacting to leads from human sources that proved unreliable, to a more pro-active, analysis-driven investigation. We further developed specific strategies for each fugitive.

For Kabuga, our efforts for the last several years focused on his family members living in Western Europe, who we concluded were very likely to be Kabuga's support network. By investigating and excluding unviable leads, we increasingly focused our attention on possible locations in Belgium and France.

Earlier this year we had a major breakthrough. By collating and analyzing a wealth of data obtained from national authorities, we were able to identify a pattern in the family members' movements centered on a specific residential area in Asnières-sur-Seine, near Paris.



We then approached French authorities, who confirmed our intelligence and were able to identify the specific location where Kabuga was believed to be hiding. Together we planned a sophisticated, coordinated arrest operation, which was successfully executed on the morning of 16 May.

I would like to extend our deepest appreciation and thanks to France and its authorities for their exceptional cooperation, particularly the Central Office for Combating Crimes Against Humanity, Genocide and War Crimes and the Office of the Prosecutor General of the Paris Court of Appeal.

In a related development, on 22 May I announced that my Office had confirmed the death of another major ICTR fugitive: Augustin Bizimana, former Minister of Defense in the Interim Government and alleged to have been a senior leader of the 1994 genocide.

This confirmation of Bizimana's death was similarly the result of our revised strategy and intensified efforts in the last few years. Having reviewed all available intelligence, we assessed that it was likely that Bizimana was deceased. We then actively worked to verify this hypothesis.

With the assistance of the US Armed Forces DNA Identification Laboratory and the Netherlands Forensic Institute, late last year we determined that human remains found in Pointe Noire, the Republic of the Congo, matched reference samples obtained from Bizimana's mother. Subsequently, we conducted extensive investigations to exclude the possibility that the remains were those of any of Bizimana's male maternal relations.

Accordingly, we concluded that Bizimana is deceased, and will be filing in the near future a motion to officially terminate the proceedings against him.

Madame President, Excellencies,

These successes were the results of our collective efforts.

Of course, our first thoughts must be with the victims and survivors of the genocide. Their demand for justice is our *raison d'être*. Their trust and support made our work possible.

This Council's role was decisive. You provided your full support to our renewed efforts over the last several years. You repeatedly called upon all Member States to provide cooperation in the search for the fugitives.

In turn, members of this Council and other UN Member States assisted us to obtain the intelligence and information we needed to move our investigations forward. The list of Member States who provided particularly important assistance is long, but each deserves recognition.

And so on behalf of my Office, I would like to specifically thank law enforcement and judicial authorities in Austria, Belgium, the Republic of the Congo, France, Germany, Luxembourg, the Netherlands, Rwanda, Switzerland, the United Kingdom and the United States for their contributions, as well as EUROPOL and INTERPOL.

Together, we demonstrated again the impressive results that can be achieved through international cooperation.

And finally, these results are a tribute to the skill and dedication of the staff of the Office of the Prosecutor, who continually demonstrate the highest standards of professional excellence.



Madame President, Excellencies,

We must now redouble our efforts to locate and arrest the remaining fugitives. The last few weeks have created significant momentum – together we can capitalize on that, and send a clear message that all ICTR fugitives will be accounted for.

My Office continues to actively pursue promising investigations. We have credible leads on the whereabouts of all six fugitives.

As Kabuga's arrest clearly demonstrates, the critical element to our further success will be cooperation from Member States.

Regrettably, it is now clear that if we had received timely and effective cooperation in August 2018, one more fugitive would have been arrested. We continue to engage with South African authorities, and trust that they will promptly and fully respond to our ongoing requests.

My Office has reported many other challenges we are facing in obtaining cooperation, with many of our requests ignored and unanswered.

The African Union has encouraged all its Member States to cooperate with my Office to arrest the remaining fugitives, echoing the Security Council's repeated calls. My Office trusts that moving forward, all Member States will make our requests for assistance a priority and ensure that we receive the support we need to complete our important mandate.

The victims and survivors of the 1994 genocide against the Tutsi in Rwanda deserve nothing less than our collective best efforts.

Madame President, Excellencies,

In relation to our trials and appeals, my written report provides details on all of our activities during the reporting period. I would like to reiterate our commitment to undertake all steps under our control to expedite the completion of these proceedings.

In light of the global COVID-19 pandemic, the resumption of courtroom proceedings in *Turinabo et al.*, *Stanišić and Simatović* and *Mladić* will be determined by the respective Chambers. My Office has underscored our willingness to consider all possibilities to resume hearings as soon as possible.

The point I would like to emphasize is that while proceedings in court have been suspended, my Office has continued to fully litigate all of our cases outside the courtroom.

We have continued to file and respond to a large number of motions. We have further taken the opportunity to move forward other responsibilities, including preparation of trial submissions in *Turinabo* and our final trial brief in *Stanišić and Simatović*. And in *Mladić*, our team has continued its preparations so that it will be able to immediately present oral submissions once the appeal hearing is scheduled.



My Office has further continued to respond to requests for assistance from national authorities. During the reporting period we received a high volume of requests for assistance, and we fully expect that an even larger volume of requests will be received in the future.

So in the OTP we have effectively ensured full business continuity despite the COVID-19 pandemic and remote working arrangements. This achievement is in large measure due to our staff, who have continued to fully perform their responsibilities despite significant challenges.

Madame President, Excellencies,

With the arrest of Félicien Kabuga, it is also important to remind ourselves that the prosecution of alleged war criminals is not the end of the justice process.

For the victims and survivors in Rwanda and the former Yugoslavia, it is vitally important that the crimes they suffered are recognized and acknowledged.

Unfortunately, as I have repeatedly reported to you, the denial of crimes and glorification of convicted war criminals remain immense challenges.

Particularly among Rwandan diaspora communities, there are still concerted efforts to deny the Rwandan genocide. Some promote revisionist accounts that minimize the scale of the genocide. Others continue to deny that the crimes were committed with the intent to destroy the Tutsi group in whole or in part.

The denial of crimes and glorification of convicted war criminals are also pervasive throughout the former Yugoslavia. And regrettably, denial and glorification are often driven or supported by politicians and public officials throughout the region.

I have previously reported on political interference in war crimes justice in the former Yugoslavia. Just last week we witnessed an alarming example of such interference in Bosnia and Herzegovina.

My Office has always fully supported the Prosecutor's Office of Bosnia and Herzegovina and its current Chief Prosecutor. It has been our consistent experience that she and her team carry out their responsibilities professionally and ethically, and we trust that they will continue to prosecute all those responsible for war crimes, without regard to ethnicity or official status.

While this example is particularly pronounced, throughout the region the climate of denial, glorification and politicization has a chilling effect on prosecutors and judges and undermines the rule of law. This year will mark the twenty-fifth anniversaries of many notable crimes and events from the conflicts in the former Yugoslavia, including the Srebrenica genocide. These anniversaries should be solemn moments to commemorate the victims and with one voice condemn those responsible for war crimes, crimes against humanity and genocide.

My Office calls upon all officials and public figures in the region to act responsibly and put the victims and civilian suffering at the forefront in all activities marking these anniversaries. They should publicly condemn the denial of crimes and glorification of war criminals, rather than supporting them with public rhetoric and funds.



Twenty-five years later, a break with the rhetoric of the past is long overdue, and leadership in favour of reconciliation and peace-building is urgently needed.

Madam President, Excellencies,

In conclusion, with the arrest of Félicien Kabuga and the confirmation of Augustin Bizimana's death, two of the three major fugitives have been accounted for. My Office is now firmly focused on locating the remaining major fugitive, Protais Mpiranya, as well as the five other ICTR fugitives who remain at large.

As recent events have proven again, with timely and effective cooperation from Member States, these fugitives can be arrested. My Office is preparing a number of requests for assistance, and will be contacting relevant Member States to seek support. It is as critical now as ever before that there is a clear message that cooperation with my Office is not only a legal requirement, but even more, a moral obligation to the victims and survivors.

We further remain committed to completing our other functions efficiently and effectively. Despite the COVID-19 pandemic, we have effectively ensured full business continuity, and we continue to actively litigate our on-going cases and provide full support to war crimes justice in national courts.

In this regard, my Office welcomes OIOS' recognition of our commitment to the Security Council's vision of the Mechanism as "a small, temporary and efficient structure". OIOS further favourably assessed our work and innovative methods, including flexibly deploying staff to address the dynamic level of ad hoc judicial activity while maintaining lean staffing.

We are grateful for the continued support of this Council in all of our efforts. Thank you for your attention.
