



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") after the completion of their respective mandates.

STATEMENT

REGISTRAR

Stop-Genocide and Holocaust Denial Conference
Opening Remarks
Olufemi Elias, Registrar
International Residual Mechanism for Criminal Tribunals
20 June 2019

Your Excellencies, ladies and gentlemen, dear hosts, good morning. It is an honour and a pleasure to be in this beautiful city again, my second trip here.

We have heard excellent speeches today. I would like to focus in these briefs remarks on the link between adjudication and the theme of this conference, which is to stop genocide and holocaust denial.

8 May 1945.

The end of the Second World War. A war that claimed millions of lives across the globe and which brought about the unthinkable evils of an ideology rooted in nationalism, discrimination, hate and fear. A war that resulted in the killing of six million Jews, and suffering on such an unprecedented scale. Translating the unimaginable, the unthinkable, into words, and into legal concepts, was one way through which society could process and attempt to come to terms with such evil. After the Second World War, it was hoped that the horrors of the Holocaust could not and would not be repeated. It was hoped that the "genocide" would be a poignant warning – a painful reminder of what must not recur. Unfortunately, that has not been the case; here we are today.

7 April 1994.

Starting on this day, in a matter of 100 days, more than 800,000 innocent people – men, women, and children – were killed in Rwanda. The world was shocked by the brutality, scale, and scope of the massacres in Rwanda. In response to these events and in pursuit of accountability and justice, the United Nations Security Council established the International Criminal Tribunal for Rwanda, the ICTR, to prosecute those responsible for these horrific crimes. A few years later, in 1998, the ICTR issued the first ever international conviction for genocide in the case against Jean Paul Akayesu. For the first time ever there was a legal epilogue for acts of genocide, in what was to become a long and steep, but invaluable

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Arusha Tel.: +255 (0)27 256 5376

The Hague Tel.: +31 (0)70 512 5691

Email: mict-press@un.org

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www.irmct.org



road to justice. However, a few years before this landmark judgement was delivered in 1998, another horrific event shook humanity to the core.

11 July, 1995.

For so many people in Bosnia and Herzegovina, on this day, the end of the world as they knew it began, with the loss of whole families and entire communities. By 1995 the International Criminal Tribunal for the former Yugoslavia, the ICTY, had begun issuing its first indictments and bringing its first accused to trial, but this was not a sufficient deterrence for the massacre of more than 7,000 Bosnian Muslim men and boys in Srebrenica in July 1995. However, in carrying out its mandate over its 24 years of existence, the ICTY established a vast amount of judicially tested facts surrounding these events.

In 2001, in the trial judgement against *Radislav Krstić*, the ICTY affirmed for the first time that crimes committed in Srebrenica in 1995 constituted genocide, a finding that was upheld on appeal in 2004. In this and many subsequent judgements, the ICTY established beyond reasonable doubt, through a fair and impartial judicial process, that the unspeakable acts that took place 24 years ago were part of a common plan to commit genocide. Tens of thousands of exhibits were admitted into evidence, over 1,000 witnesses gave their testimony and 15 individuals were convicted for their part in the crimes committed in Srebrenica. The testimonies before the ICTY that involved the Srebrenica events came from survivors who found the courage to testify. Through this work, the Tribunal provided justice to many of the victims and ensured that there was no impunity for those responsible for these crimes.

Yet, in spite of this, we see a resurgence of narratives that attempt to distort, revise or deny the facts about the Srebrenica genocide and other mass crimes. These false narratives are launched and promoted by those who wish to deny the victims the recognition of their suffering, to alter history and reject the work of the ICTY and the International Residual Mechanism for Criminal Tribunals, as well as what they stand for.

Moreover, beyond the courts, the term genocide connotes the pain and suffering felt by the survivors, victims and their families. It helps to conceptualize, define and come to terms with the horrors they endured and witnessed. If this pain is to be denied and undermined, we allow their suffering to persist.

It is imperative to respect and preserve the memory of the past, to remember and never forget what happened to them. At the Mechanism, a successor to the ICTY and the ICTR, we are entrusted with preserving the important legacy of these two Tribunals. Preserving this legacy also means having the responsibility to ensure that the findings contained in thousands of pages of judgements, witness testimonies and evidence, are not lost to false narratives.



I strongly believe that today, in the world in which we currently live, more than ever before, we must focus even more on understanding the past on the basis of facts. By preserving and facilitating public access to the ICTY's legacy, and by building on it, the Mechanism will play a major role in allowing generations of people today and tomorrow to understand the events of the past, establishing a narrative of facts that will prevail over any rhetoric of denial.

The Mechanism also continues to play a very active part in establishing accountability for the Srebrenica genocide of July 1995. Only a few months ago the appeal judgement in the case against *Radovan Karadžić* confirmed his convictions for genocide in Srebrenica. In addition, two remaining cases before the Mechanism at present include allegations of responsibility of the accused for the crimes committed as part of the genocide in Srebrenica; in the appeals of *Ratko Mladić* and the retrial of *Jovica Stanišić* and *Franko Simatović*.

As the Registrar of the Mechanism, I recognize the many challenges we face today, not just at the Mechanism, but in the international justice system as a whole. The fight against impunity for grave international crimes does not follow a simple path. It faces skepticism, criticism, obstruction and increasingly it is coming up against denial and revisionism – cynical attempts to undermine its work and to deny justice to victims.

Yet, in spite of all that, it is important to recognize that great strides have been made. Decision by decision, judgment by judgment, over two decades the two Tribunals and the Mechanism have been building jurisprudence and establishing facts about the crimes, victims and perpetrators, beyond reasonable doubt.

20 June, 2019.

Today, tomorrow, the day after, and into the future, we must always remember what happened in Srebrenica in 1995, because those who deny massacres, tragedies or genocides want to erase, and hide away from history, those dates of horror and despair, those darkest moments of humanity. By hiding what happened on those days, by tampering with history, the deniers are creating space for the perpetrators of genocide to go unpunished and for history to repeat itself.

This is why it is imperative that we know what happened and that we remember it. This is why the legacy of the tribunals is so important and why we must ensure the Mechanism's mandate to preserve and take forward that legacy. Memory, aided by facts established beyond reasonable doubt, accessible to everyone, is our best shield against denial and revisionism to ensure that accountability and justice prevail over evil ideology and denial.

Thank you.