



The Hague, 8 April 2020

JUDGE CARMEL AGIUS, PRESIDENT

**REMARKS ON THE OCCASION OF KWIBUKA26:
“26 YEARS AFTER THE GENOCIDE AGAINST THE TUTSI – THE LEGACY OF
THE ICTR AND THE ROLE OF THE IRMCT”**

It is with great humility that I address you today at the invitation of the Ambassador of the Republic of Rwanda to the Netherlands, Jean Pierre Karabaranga. In doing so, I will draw upon my experiences not only as the President of the International Residual Mechanism for Criminal Tribunals – which I will be referring to as the “Mechanism” – but also as a former long-serving Judge of the ICTR and the ICTY.

Kwibuka is a special occasion, not only for the Rwandan people but also for the entire world. We have no choice but to remember, forever, the 1994 Genocide against the Tutsi in Rwanda. The horrific crimes perpetrated upon Rwanda and its people remain etched in our collective memory, no less clear today than when they were committed 26 years ago. During this time of remembrance and reflection, I join all members of the Mechanism in expressing our unwavering solidarity with the people of Rwanda.

As part of this year’s Commemoration, I will focus my remarks on the legacy of the ICTR and the role of the Mechanism, 26 years after the Genocide against the Tutsi. In doing so, I will address certain key topics that demonstrate the ongoing relationship between Rwanda, the Mechanism, and other participants in the international community as we all together strive to achieve justice and enhance peace.

As you already know, the ICTR was created by the United Nations Security Council in order to bring to justice the perpetrators responsible for the atrocities, contribute to national reconciliation within Rwanda, and restore peace and security. The ICTR indicted 93 persons, and by the time of its closure in 2015, the Tribunal had heard the accounts of more than 3,000 witnesses who selflessly offered their evidence in the pursuit of truth and justice. Through a total of 100 trials and appeals judgements, many perpetrators who bear the heaviest responsibility for the Genocide against the Tutsi were sentenced and imprisoned. Thirty-one of them are still serving their sentence under the authority of the Mechanism today.

The ICTR did not merely render justice in individual cases. It also contributed to the historical record, documenting in excruciating detail many of the worst experiences suffered by the Rwandan people throughout those 100 days of horror and misery. It recognised that sexual violence committed with genocidal intent is, indeed, genocide. And it confirmed what everyone already

knew: that the 1994 Genocide against the Tutsi in Rwanda is a fact of world history, a fact as certain as any other, a fact that cannot be challenged in any reasonable way.¹

This brings me to the topic of genocide denial and revisionism. These twin scourges are not unique to Rwanda, but the danger they pose to the Rwandan society in particular cannot be underestimated. There can be no doubt that denial and revisionism are aimed at minimising or writing off the historical truth of what Rwanda and its people experienced 26 years ago. While there can always be room for reasonable disagreement on certain matters, this does not extend to the 1994 Genocide against the Tutsi in Rwanda, which is a fact that simply cannot be denied. Do not let yourself be fooled, those who advocate denial and revisionism are seeking to tear Rwanda apart once more, and to reverse many of the extraordinary achievements secured by the Rwandan people over the past quarter of a century. Their poisonous efforts must be opposed at all times.

The Mechanism has a certain role to play in this regard, but the primary responsibility for combatting denial and revisionism belongs to Rwanda as a whole. To its politicians. Its educators. Its parents. Its youth. Those who experienced the genocide first-hand, and those who learned about it from their elders. Rwanda and its people, however, are not alone in this necessary endeavour. The Mechanism will therefore play its part, too, by taking steps within our mandate to ensure that the judgements of the ICTR are respected, to encourage reconciliation, and to support the victims who have suffered for the past 26 years.

The Mechanism is also working to complete the residual functions of the ICTR, with the Prosecutor continuing to track the eight ICTR fugitives still on the run. We know that Rwanda not only demands, but also deserves, that the fugitives' hiding places be uncovered and that they be brought to face justice. The Mechanism joins Rwanda in demanding that justice be done. But the Mechanism, like the ICTR before it, cannot execute this mandate alone. We remain reliant on States to take all necessary steps to cooperate fully with the Mechanism in locating these eight fugitives. And once they are found, States must act immediately to secure their arrest and transfer. Such active cooperation is required not only by the precepts of international law, but also by the principles of our common humanity. Only by receiving the necessary support will the Mechanism be able to ensure that justice is done in these remaining cases.

Before concluding, it cannot be left unremarked that this year's Kwibuka is necessarily different from that of previous years on account of the worldwide COVID-19 pandemic. I sincerely hope that every single person watching this is taking steps to safeguard their health and that of their community. You and your loved ones are important to me, to society, and to the world. No matter the extent of this pandemic, you already know that Rwanda has successfully faced even worse tragedies in the past, and has demonstrated an innate ability to rejuvenate itself through the dedication and ingenuity of its people. The world has much to learn from Rwanda, and the lessons of its revitalisation may prove to be even more crucial to others around the globe in the months and years ahead.

Stay safe, and continue to take care of yourselves and each other. Thank you.

¹ *Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006, para. 35.