



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

PRESIDENT

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Judge Graciela Gatti Santana, President International Residual Mechanism for Criminal Tribunals Introductory Remarks on the Occasion of International Holocaust Remembrance Day

Thank you Ambassador Ephraim for this opportunity, it is a great privilege to be joining each of you on this solemn occasion, when the entire world honours the memory of the victims of the Holocaust, including those from the Dutch Jewish community. I listened carefully to Mayor van Zanen's inspirational words and was moved by the powerful testimony of Mrs. Deborah Maarsen-Laufer, Survivor of Ravensbrück and Bergen-Belsen.

Excellencies, Ladies and Gentlemen, it gives me great pleasure to introduce today's keynote speaker.

Professor Leora Bilsky is a leading authority in Holocaust studies and transformative justice. Among her many positions, Professor Bilsky is The Benno Gitter Chair in Human Rights and Holocaust Research at the Tel Aviv University faculty of law, as well as the director of the Minerva Center for Human Rights. Other aspects of her impressive biography can be found in the booklet we all received today. We will be fortunate to hear Professor Bilsky's reflections on Rachel Auerbach and her foundational contributions to the Eichmann trial, centred on the promise and importance of pursuing a victim-oriented approach as a component of international justice.

In this respect, it is important to appreciate the extent to which victims' roles have evolved, and continue to progress, in judicial proceedings concerning the gravest crimes against humankind. The cases at Nuremberg and Tokyo were based largely on documentary evidence and, to a lesser degree, on non-victim testimony. It was only after the Eichmann trial that the Mechanism's predecessor tribunals for Rwanda and the former Yugoslavia were established and came to rely, sometimes extensively, on evidence received directly from the victims of heinous crimes.

Later tribunals, most notably the International Criminal Court, have formalised a role for victims to be represented at, participate in, and receive reparations as a consequence of, legal proceedings. Increasingly too, victims are not only taking part in trials, but are collecting and preserving evidence, in real time, as crimes are being committed so that they can secure justice for themselves and their communities in the future.



Moreover, once justice is rendered, many victims continue to engage themselves in post-litigation matters such as requests for early release, ready accessibility to archival materials, and combating genocide denial and the glorification of those responsible for the most unspeakable evils.

This shows that victims are no longer the “passive recipients of justice” that they were before Rachel Auerbach’s work, but are now “active participants”, and indeed drivers, of the entire justice cycle. In other words, victims are no longer denied their own agency.

Despite these significant developments, the journey is not over. Professor Bilsky has referred, for instance, to the gendered dimension of international criminal justice, including the traditional approach to obtaining and adducing witness testimony before international courts where women’s experiences are frequently overlooked and minimised. Redressing this gap demands our continued vigilance and action.

This brings me to a separate point that merits special recognition, namely that—and here I quote Professor Bilsky—“[t]he contribution of women to the development of international criminal law has been marginalized for many years”. This reality may be widely accepted today, but what remains unknown and under-appreciated is the full extent to which this marginalisation has taken place and the variety of forms in which it has been inflicted.

Professor Bilsky will address us, informed not just by her own experiences as a woman in this field but, perhaps even more remarkably, through the prism of a challenge she does not face personally: being a woman without expert credentials. For Rachel Auerbach was such a person who—after managing to summon the strength to survive the Shoah—was still forced to struggle against the barriers of being not only a woman in the 1950s and 1960s, but also a woman in that time with less credentials than her male colleagues. That Professor Bilsky, with all of her unassailable qualifications, draws attention to this intersectionality is itself a valuable contribution.

This afternoon’s main feature will present Rachel Auerbach’s innovative process and how she succeeded in ensuring that victims’ testimonies have a lasting impact. International criminal justice is not only advanced by the work of Judges and legal professionals, it is made possible by the bold women and men who decide to come forward and share their stories. They deserve to be heard, and it is our duty to listen.

Professor Bilsky’s most recent publication refers to a newspaper article by Rachel Auerbach, in which she suggested that the Eichmann trial was an opportunity for the living to listen to the “silent cry” of those who perished in the Shoah. As we gather in the Peace Palace, to pay tribute to the memory of the victims of the Holocaust, let us imagine that they are here, silently crying with us.

I now hand the floor over to you, our distinguished keynote speaker, Professor Leora Bilsky.
