



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)

Arusha, The Hague, 11 June 2024

Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals To the United Nations Security Council 11 June 2024

Mr. President, Excellencies,

Thank you for the opportunity to again brief you on my Office's activities and results.

Details about our work have been presented in both the review report and the progress report.

Today, I would like to highlight a few important issues, particularly those that are most relevant to the Council's ongoing review.

Mister President, Excellencies,

Recognizing the Council's expectations for the Mechanism to effectively complete its functions, I can report today that my Office has concluded the important mandate to account for all fugitives indicted by the ICTR.

On 15 May, we announced that we had confirmed the deaths of the last two fugitives, Ryandikayo and Charles Sikubwabo.

Our Tracking Team's investigations determined that both fled Rwanda in 1994 to then-Zaire. They resided in Kashusha camp, together with many other perpetrators of the genocide, until late 1996.

Sikubwabo then fled through the DRC, Republic of Congo and Central African Republic before arriving in Chad, where he died in 1998.



Ryandikayo made his way to the Republic of Congo, where he was recruited to join the FDLR, and then to Kinshasa, where he died in 1998.

This residual function has been brought to a successful completion thanks to the expertise and dedication of my tracking team.

When taking office as the Mechanism Prosecutor, I briefed this Council about our intention to make maximum efforts to locate all remaining ICTR fugitives. As I explained, this meant taking a more proactive approach and adopting new methodologies. It also required recruiting the right staff with the right skills.

I noted that we had a window of opportunity to demonstrate a track record of success, but that this function could not continue forever.

I am satisfied that over the last several years, our team delivered on this goal and accounted for all eight outstanding ICTR fugitives. We arrested two fugitives, Félicien Kabuga in Paris, France in May 2020, and Fulgence Kayishema in Paarl, South Africa in May 2023. He still remains in South Africa after one year and we trust will finally be transferred to our custody in the coming period. We further confirmed the deaths of another six accused.

This means that all 253 persons indicted by the ICTR and ICTY for war crimes, crimes against humanity and genocide have now been accounted for. Fugitives were amongst our greatest challenges, but we persevered and succeeded.

For the United Nations and the Security Council, this is an important demonstration of the international community's determination to secure justice for atrocity crimes.

However, while all ICTR fugitives have all been accounted for, more justice is still needed.

Mr. President, Excellencies,

That brings me to my Office's work assisting national authorities continuing the accountability process for crimes committed in Rwanda and the former Yugoslavia. This will be the main point of my intervention today.

Consistent with the Completion Strategies, the mandate that this Council has entrusted to us in Article 28(3) is clear: we "shall" respond to requests for assistance from national partners in the investigation, prosecution and trial of crimes under our jurisdiction.

As I have regularly briefed you, Member States greatly need our assistance, as demonstrated in the number and complexity of requests they submit.

In the last two years alone, we received 629 requests for assistance. In responding to these requests, we provided support to a total of 219 national case files.



In relation to Rwanda, we assisted 10 different Member States. We handed over 5000 documents, facilitated the participation of 69 witnesses in national proceedings, provided investigative plans and shared information on the whereabouts of fugitives.

In relation to the former Yugoslavia, we provided support to seven Member States and four international organizations. We handed over more than 17,000 documents, and prepared investigative dossiers, crime base reports and analytical reports.

But in addition to the statistics you will find in our reports, I would like to provide a more tangible picture of this work for you.

On average, every single day, one new request for assistance is submitted to my Office.

These requests vary significantly, and each asks for something different.

The request may be to search our eleven million pages of evidence for a suspect, victim or witness.

It could be a request for an investigative dossier or analysis about a particular crime base or perpetrator group. Or a partner may be asking us to use our developed expertise to help them resolve particularly challenging issues in their investigations and prosecutions.

The request could also be for more strategic support, such as to promote stronger international cooperation, or to provide investigative and operational support to locate fugitives.

This variety reflects the practical reality of what our national colleagues need to meet their responsibilities.

Our key partners are Rwanda and the countries of the former Yugoslavia. But we've also met with prosecutors from African countries like Eswatini, Mozambique and South Africa, as well as prosecutors in Belgium, Canada, France, the United Kingdom, the United States and elsewhere.

Our national colleagues know that there are persons who committed genocide living in their countries with impunity, some in plain sight. And they know that every single case is about victims and survivors who are still waiting for justice.

So every day, we respond to a wide range of requests for support from Member States. And our evidence collection and expertise make the difference in achieving justice in domestic courts.

Mr. President, Excellencies,

This is also the work that was evaluated by OIOS in its most recent report to the Council.



I am satisfied that OIOS concluded that, during the review period, my Office prioritized its support to Member States and successfully delivered on its mandate. As OIOS noted, we took steps to proactively engage with countries to meet their needs.

It was important that in conducting its evaluation, OIOS spoke with our national partners. Their comments confirm what I have reported to you for many years now.

As OIOS reported, the overwhelming majority of national partners “strongly agreed or agreed that the assistance received had contributed to facilitating investigations and judicial proceedings in their jurisdictions.”

They noted that the OTP shares “evidence that would otherwise not be available to national judiciary actors,” including by making much of that available to them online. They further explained that my Office shares “[our] experience in prosecuting complex cases,” and confirmed “the effectiveness of having national jurisdictions learn from concrete cases that had been processed by the ad hoc Tribunals and the Mechanism.”

As OIOS further found, “[T]he OTP played an active role in facilitating regional cooperation [between prosecutors] including advocacy for cooperation, requests for mutual legal assistance and the transfer of cases between jurisdictions, where applicable.”

Member States also commended the OTP’s contributions to national war crimes strategies, “ultimately leading to transitional justice.”

In sum, the results reported by my Office, the statements of Member States and the evaluation by OIOS all confirm that my Office’s work pursuant to our Article 28(3) mandate is highly-valued and has significant impact.

Mr. President, Excellencies,

This confirmation is important, given the work our national partners still need to do.

While the ICTR and ICTY indicted 253 persons, it was always well-known that there were thousands more perpetrators to bring to justice. Under the Completion Strategy endorsed by the Council, that work is now the responsibility of Member States in their national courts.

Member States have already achieved significant results. But more accountability is still urgently needed.

Rwandan authorities are still seeking to bring to justice more than 1,000 fugitive génocidaires. Likewise, prosecutors in the former Yugoslavia still have thousands of suspected war criminals to investigate and prosecute. Domestic authorities in third-party Member States, particularly in Europe and North America, are also prosecuting these cases under “no safe haven” policies.



Continuing this work is essential. For the victims and survivors of course. And for Member States, who have made accountability a priority at the national level, to secure the rule of law and promote reconciliation.

Ultimately, this work fulfills the Council's vision to combat impunity for those responsible for serious violations of international humanitarian law, first, through the ICTR and ICTY, and now, in domestic courts around the world.

For these efforts to succeed, support from my Office is vital, as Member States and OIOS have reported.

My Office stands ready to work with the Council to develop options for how this support will continue. But what is most critical is that it does continue.

Mister President, Excellencies,

By way of conclusion, my Office has now successfully completed two of its three primary residual functions. Last year, we finalized those remaining trials and appeals transferred from the ICTY and ICTR. Last month, we successfully accounted for the last ICTR fugitives, bringing that work to a close.

My Office is satisfied that we delivered on these important mandates, consistent with the Council's vision of the Mechanism as a temporary institution whose functions will diminish over time.

Yet while international accountability for the crimes in Rwanda and the former Yugoslavia has now concluded, national prosecutors are continuing our work in their courts.

And in this regard, the Completion Strategies can only be successful if the support provided by my Office to Member States continues. Today, we are providing more support with more impact than ever before. This is a positive sign, and confirmation that the justice process is on the right path.

My Office remains grateful for the continued support of this Council in all of our efforts.

Thank you for your attention.
