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Tribunal Pénal
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l'ex-Yougoslavie

ADDRESS

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Welcome Remarks by ICTY President, Judge Carmel Agius Last ICTY International Open Day

Ladies and Gentleman,

A very good morning to you all, I am Judge Carmel Agius, President of the International Criminal Tribunal of the former Yugoslavia. I am extremely pleased to welcome you to our premises today, where you will be able to learn about the Tribunal and the work that we have done here over the past 24 years. As you might know, this is the final time that the ICTY will participate in the International Open Day, because on 31 December this year, the Tribunal will close its doors. I am delighted, indeed moved, to see that so many of you have taken up this final opportunity to visit the ICTY, as well as the MICT which will take over any residual functions after we close.

When the Tribunal was created by the United Nations Security Council in 1993, the conflict in the Balkans was still ongoing. For this and many other reasons, the ICTY was an innovative and courageous idea; a bold experiment in response to the atrocities being committed in the former Yugoslavia, and an attempt by the international community to somehow stop the conflict. At the time, I was a judge of the Constitutional Court and the Courts of Appeal in Malta and, like everyone else around the world, I was shocked to witness the tragic events on the news and to see the horrific images being broadcast from the region. I could not believe that less than fifty years after Europe had endured the Holocaust, innocent civilians were again being displaced and dehumanized, and lives senselessly destroyed.

I never imagined then - in fact I don't think anyone did - quite how successful the ICTY would be, or that I would find myself working here several years later. Certainly, I never imagined that I would be tasked with the responsibility and honour of closing down the first international criminal tribunal of the modern age. And yet, defying all expectations, the work of the Tribunal has been pioneering and much acclaimed. And here I am.

Over 24 years of operations, there have been many achievements and contributions, as well as many challenges and lessons learned. Let me give you an example. When the ICTY was created, few would have predicted how it would irrevocably change the landscape of international law. It was for instance the first tribunal to recognise rape as a crime against humanity, and helped to clarify and breathe new life into concepts of international humanitarian law - that is, the law regulating armed conflict and ensuring, amongst other things, the protection of civilians and prisoners of war. The ICTY was also the first international tribunal to enter a conviction for genocide in Europe, since the legal concept of genocide was not fully established at the time of Nuremberg trials. The experiences at the ICTY - as well as its sister tribunal, the International Criminal Tribunal for Rwanda - were also instrumental in the later formation of the International Criminal Court, and the development and rise of an entirely novel field of law: international criminal law.

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For me however - and I have said it before - the Tribunal's most fundamental contribution and legacy is its groundbreaking role in the fight against impunity. The Tribunal has shown that it is possible to hold perpetrators of the most heinous crimes accountable, and to bring them to justice, regardless of their position or level. It has demonstrated that trials of genocide, war crimes, and crimes against humanity are possible in the modern age, and that no-one is immune from accountability.

In November this year - only two months from now - my colleagues in the Appeals Chamber and I will deliver the judgement in the final and biggest-ever appeal case of Prosecutor v. Jadranko Prlić et al. Also in November, judgement in the final ICTY trial case of Prosecutor v. Ratko Mladić will be delivered. Mladić was the second-last fugitive to be captured and transferred to the Tribunal's custody in 2011. By then, Mladić had been at large for almost 16 years. The arrest of the last fugitive, Goran Hadžić, less than two months after Mladić's arrest meant that all of the 161 people indicted by the Tribunal were brought to justice. That constitutes a major victory for the international community and its commitment to bring an end to impunity.

There are many other legacies of the Tribunal, and you will hear about some of these today. One important legacy concerns Defence Counsel practicing before the ICTY. When the ICTY started, there was no international criminal bar association or relevant support networks, no specific training for international criminal lawyers and, as a result, the challenges that our first Defence Counsel faced were tremendous. I am therefore particularly pleased that, for the first time, the Association of Defence Counsel is joining us today. While the Defence is not an official organ of the Tribunal, their work is of course absolutely fundamental for the Tribunal to be able to ensure fair and efficient trials, and I am delighted that you will be able to hear from them today about their work.

I also wish to acknowledge and thank my colleagues Judges Alphons Orie and Christophe Flügge, who will be speaking on the role of Judges, and there will be some exciting presentations on the work of the Office of the Prosecutor from our Deputy Prosecutor Michelle Jarvis and the OTP Chief of Operations Bob Reid. My Chef de Cabinet, Ana Cristina Rodríguez Pineda, will take you through the work of ICTY Chambers and we are of course joined by our distinguished colleagues from the Mechanism for International Criminal Tribunals, President Theodor Meron and Registrar Olufemi Elias.

My colleagues from the ICTY's Communications and Outreach section have put together an impressive programme for today's Open Day and I would like to thank them for their hard work and dedication in making your visits to the Tribunal meaningful.

There is something very special about the fact that this Tribunal was established in The Hague - the city that has proudly, and rightfully, earned the title of International City of Peace and Justice. The ICTY has been an integral part of this tradition and has participated with great pleasure in the International Open Day for many years now, with increasing numbers of visitors received at our premises each year.

If I recall correctly, the idea for The Hague International Open Day was born approximately ten years ago in connection with the city's celebrations of the United Nations International Day of Peace, which falls on the 21st of September each year. In this context, many of the international organisations located in The Hague decided to open their doors to the public and allow for a glimpse into their daily activities. It is most fitting that the ICTY started to take part in this yearly event, because it was mandated not only to try those most responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991, but also to contribute to the restoration and maintenance of peace in the region.

The focus of this year's International Day of Peace is on solidarity with refugees and migrants. I cannot help but think of places like Syria on a day like this and that, while we are closing our doors, so much more needs to be done to ensure peace and justice in today's world. We therefore need to be cognisant that the work of the ICTY was but one small step on the road to justice and accountability for crimes against humanity, war crimes and the crime of genocide, and that much more needs to be done all over the world, if we are to ensure that the fight against impunity will be won.

In closing, I would like to thank you all for joining us today for the last International Open Day at the ICTY. I am very proud of what the ICTY has accomplished since 1993, and I very much hope that you will enjoy your visit to this historic institution. I leave you now in the capable hands of my esteemed colleague Judge Theodor Meron, the President of the Mechanism.
