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International
Criminal Tribunal
for the Former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

ADDRESS

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The Hague, 21 December 2017

Address by United Nations Secretary-General António Guterres ICTY Closing Ceremony

Today to commemorate the closing of the International Criminal Tribunal for the Former Yugoslavia. Majesty and the Government of the Netherlands for hosting us in this beautiful and historic Hall of Knights. And I also thank the Netherlands and the City of The Hague for the excellent partnership for the past 24 years in enabling the Tribunal to fulfil its important mandate, and for their continuing support to many other international courts and tribunals.

The creation of the International Criminal Tribunal for the Former Yugoslavia in 1993 was a ground-breaking moment. The 1948 Genocide Convention entered into force in 1951, but no international criminal tribunal that would recognize individual criminal responsibility for such a crime had yet been established.

By voting unanimously for the creation of the first-ever criminal tribunal within the United Nations, the Security Council noted that it was “convinced” that it would contribute to the restoration and maintenance of peace, thereby highlighting the close links between international criminal justice and the Organization’s core mission. I would sincerely like that this feeling would remain today.

The creation of this Tribunal demonstrated a newfound and serious commitment by the international community that those responsible for perpetrating the most serious crimes of international concern should be held accountable for their actions.

The Tribunal sat for more than 10,000 days of trial, and heard testimony from nearly 5,000 people. Ninety individuals were sentenced for their crimes, including genocide, war crimes and crimes against humanity.

And beyond these numbers, the Tribunal gave a voice to victims. People who had experienced atrocious violence and tragic losses, including women and girls, were given the opportunity to tell their stories in court, to place their experiences on the record, and to see the perpetrators of crimes against them held accountable. This, in itself, has contributed to the healing process.

Reliving such horrors takes tremendous fortitude. I salute the courage of all those who came to the Tribunal to guarantee that justice could be served. The immense archives documenting what happened in Sarajevo, Foca, Vukovar, Suva Reka, Srebrenica and elsewhere. These records ensure that the world will not forget, that history cannot be re-written, and that the victims’ voices will continue to resound down the decades.

The Tribunal has pushed international expectations of accountability beyond what was anticipated in 1993, transforming how we speak about and address situations in which serious international crimes are committed.

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Media Office/Communications Service

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands

Tel.: +31-70-512-5210; 512-5882; 512-5116; 512-5271

Today, it is common practice for the United Nations Security Council to call for the perpetrators of atrocities to be held accountable. We see this, too, in the statements of Heads of State, in the work of journalists, in the efforts of national courts and in public opinion.

Accountability has taken root in our collective consciousness. And since the establishment of the Tribunal, we have seen a flourishing of entities established to ensure accountability, including the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and of course, the International Criminal Court.

Indeed, without the United Nations tribunals for Yugoslavia and Rwanda, there might never have been a permanent International Criminal Court, the central institution of the international criminal justice system today.

At the national level, the work of the International Criminal Tribunal for the Former Yugoslavia inspired the establishment of the War Crimes Chamber in the State Court of Bosnia-Herzegovina, which has been working since 2005 to conduct war crimes trials according to international standards.

The transfer of investigation files to national authorities, the referral of cases to the national courts, and the ongoing provision of evidence and assistance to enable them to prosecute the crimes that took place in the conflicts of the 1990s is a significant part of the Tribunal's legacy.

And the Tribunal also helped to inspire prosecutions and trials for international crimes at the domestic level. The United Nations will continue to support national authorities and civil society in this work.

While these developments are to be praised, we know that the cause of criminal justice is a long-term undertaking. We must remain attentive and resolute. I am confident that, with the support of the international community, international criminal justice will continue to develop, and more countries where atrocities were committed will initiate or continue prosecutions in their own courts. But, the future is not only the fight against impunity, it is also the pursuit of truth and reconciliation.

The Spanish writer Juan Goytisolo reported in 1993 the existence of "memoricide" – erasing the past, for example through the destruction of the Library of Sarajevo. The Tribunal has led the way in establishing the criminalization of attacks against cultural property under international law.

I would also like to recognize the Outreach Programme, which sought to bring the Tribunal's proceedings closer to the affected people, communities and national authorities.

In 2009, in my capacity as High Commissioner for Refugees, I visited the Potocari memorial in Srebrenica to pay my respects. That genocide in Srebrenica will continue to haunt the global conscience.

Just as the whole international community, including the United Nations, has had to acknowledge their share of responsibility for the massacre, so must the various communities of the former Yugoslavia build on the legacy of the Tribunal and deepen their efforts towards trust and full reconciliation. Accepting the undeniable truth and facts of past tragedies is crucial for building a better and common future.

Le Tribunal pénal international pour l'ex-Yougoslavie n'aurait pu accomplir son travail sans le soutien continu des États Membres, des institutions internationales et de la société civile. Le Tribunal va maintenant fermer ses portes mais il nous reste beaucoup à faire. La

communauté internationale doit continuer à demander des poursuites contre les responsables de crimes graves et à rendre justice aux victimes.

C'est pour cette raison que la cérémonie organisée aujourd'hui sur le thème de l'héritage, ou encore legs, a tant de profondeur. Le mot latin legatus signifie à l'origine « ambassadeur » ou « envoyé ».

Il nous appartient désormais de rester les ambassadeurs de la mémoire et de faire savoir que les tragédies comme celles qui se sont produites en ex-Yougoslavie ne doivent jamais être oubliées. Nous tous devons aussi être des ambassadeurs des droits de l'homme, de l'état de droit et de la justice.

Dans cet esprit, je salue tous ceux qui ont servi le Tribunal et fait progresser la mission essentielle qui fut la sienne. Leur dévouement laisse au monde un puissant héritage, qu'il nous appartient tous de préserver.
