



United Nations  
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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# STATEMENT

*(Exclusively for the use of the media. Not an official document)*

PRESIDENT

The Hague, 11 November 2011

Address of Judge Patrick Robinson, President of the International  
Criminal Tribunal for the Former Yugoslavia,  
to the United Nations General Assembly

Your Excellencies,

Mr. President, first allow me to congratulate you on your assumption of the Presidency of the General Assembly and to express my gratitude to you for your country's steadfast support of the work of the International Criminal Tribunal for the former Yugoslavia.

It is an honour to appear before you today in my capacity as President of the Tribunal and to present to the General Assembly the Tribunal's eighteenth Annual Report.

Presently, two persons indicted by the Tribunal are at the pretrial stage, 16 persons are on trial, and 17 persons are in appeal proceedings. In the last year, the Trial Chambers delivered Judgements in the Gotovina et al., Đorđević, and Perišić cases. The Appeals Chamber delivered one Judgement on review in the Šljivančanin case and one appeal Judgement in the Hartmann case. To date, the Tribunal has concluded proceedings against 126 of the 161 persons indicted by the Tribunal.

On 26 May 2011, Ratko Mladić was arrested in Serbia, having evaded justice for 16 years. Mladić was indicted in 1995 by the Office of the Prosecutor for genocide, crimes against humanity, and war crimes allegedly committed from 1992 to 1995 during the conflict in Bosnia and Herzegovina. On 31 May, Mladić was transferred to The Hague, where he will face trial. Shortly after the arrest of Mladić, the last remaining fugitive, Goran Hadžić, was arrested and transferred to the Tribunal, after having evaded justice for seven years. The arrest of Mladić and Hadžić is a milestone in the Tribunal's history and brings us closer to the successful completion of our mandate. With the trial of the last two fugitives, all persons indicted by the Prosecutor will face the judicial process, and the Tribunal will be removing yet another brick in the wall of impunity.

The Tribunal continues to take all measures possible to expedite its trials, without sacrificing due process. Over the years, the Tribunal has continually kept its procedures under review and has introduced a variety of reforms in order to improve its work.

However, as the Tribunal nears the end of its mandate, highly-qualified and essential staff continue to leave the Tribunal at alarming rates for more secure employment elsewhere. The loss of the Tribunal's experienced staff has significantly impacted proceedings, placed an onerous burden on the Tribunal's remaining staff, and will place a much heavier financial burden on the international community in the long run. Despite a resolution from the General Assembly and three from the Security Council, which aimed at encouraging the adoption of retention incentives by the UN Secretariat for the Tribunal's staff, no significant results have been achieved. The Tribunal is still

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Media Office/Communications Service

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

Tel.: +31-70-512-8752; 512-5343; 512-5356 Fax: +31-70-512-5355

seeking support for two measures that will assist in the retention and replacement of its staff.

First, it is essential that consideration be given to a retention incentive for the Tribunal's long-serving and loyal staff members. It is proposed that only staff members who have more than five years of continuous service and who remain until the abolition of their posts would be qualified for the incentive. In 2008, the ACABQ endorsed a retention incentive, and the report of the Secretary-General on this issue included calculations demonstrating that the eventual cost would be more than offset by the savings associated with reduced turnover rates in terms of lower rotation and higher productivity and efficiency. Providing staff members with a direct incentive to stay until the actual abolition date of their posts has proven highly effective in other downsizing organisations. Moreover, in the long run, the retention of experienced staff is the most efficient and cost effective approach for the Tribunal because the cost of replacing staff who leave is greater than that associated with providing the proposed retention incentive.

Second, with the Tribunal reaching the end of its work, it is likely that the rate of staff attrition will accelerate if effective action is not taken. It is therefore necessary for the Tribunal to have mechanisms in place to allow it to quickly and effectively replace staff for critical positions. The Tribunal has been fortunate to be able to attract a number of highly qualified interns, some of whom would make ideal candidates for P-2 posts. This is particularly true in Chambers where there is high attrition in junior staff and considerable time required for new staff to familiarise themselves with the work of Chambers. Unfortunately, under the current regulations, interns cannot apply for professional posts within six months of the completion of their internships. The Tribunal is therefore in need of a waiver from the relevant regulations so that it can tap this resource and expand the pool of qualified and experienced candidates. This would have a direct, positive impact on the expeditious completion of trial and appellate activity. There would be no adverse financial consequences of waiving the six-month rule, and former interns would have to apply through the regular Inspira staff selection process. The Office of Human Resource Management has indicated that it does not have any objection to the waiver of the six-month break-in-service requirement for interns so that they can apply for ICTY posts.

The Tribunal therefore renews its plea for the international community to exercise foresight and assist the Tribunal with measures to retain and replace its staff. The longer this problem continues, the longer the work of the Tribunal will be extended, and the more money it will cost the international community in the long run.

Your Excellencies,

The second area in which we need the support of the Member States of the General Assembly involves the establishment of a victims' trust fund. In my previous reports to the Security Council, I raised the need for the compensation of victims and witnesses. More than 6,900 witnesses and accompanying persons from all over the world have been called to appear before the Tribunal. Without the courage of these witnesses to step forward and give evidence, there would be no trials, and impunity would reign. These victims of the conflict in the former Yugoslavia have a right to compensation under international law for the crimes committed against them. I have previously called upon the Security Council to establish a trust fund for victims of crimes falling within the Tribunal's jurisdiction, and thus to breathe life into the General Assembly's Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of 29 November 1985. The Tribunal has been taking initiatives to have established some system for providing assistance and support to victims. I wish to announce what may be described as the achievement of the first step in that process: the International Organisation for Migration has secured funding to carry out a comprehensive assessment study aimed at providing

guidance to the Tribunal on appropriate and feasible victim assistance measures and possible means of financing the same. I stress that the measures envisaged will not impose any obligations upon States to provide funding, but rather contemplate voluntary contributions. This would go some way toward bringing the position of the Tribunal somewhat closer to the International Criminal Court, which has a trust fund for its victims. The Tribunal cannot, through the rendering of its Judgements alone, bring peace and reconciliation to the region. Other remedies must complement the criminal trials if lasting peace is to be achieved, and one such remedy should be adequate assistance to the victims for their suffering. I would like to call upon the Member States of the General Assembly to lend their support to these initiatives.

In 1954, Dag Hammarskjöld—the second Secretary-General of the United Nations—said, “The United Nations was not created in order to bring us to heaven, but in order to save us from hell.” We at the Tribunal realise that what the world has been experiencing lately may fairly be described as hell, and this is reflected by the matters that the United Nations has had to deal with recently. But I urge the Member States of the General Assembly not to lose sight of the importance of international criminal justice in our continual quest for international peace. The deterrent effect of the threat of criminal sanctions has always been a way in which we police the baser part of our natures. Each time a Head of State sits down at the negotiating table, rather than picking up the phone to call the Minister of Defence, international criminal justice has succeeded. Each time a General orders his troops to contain protestors, rather than opening fire on them, international criminal justice has succeeded. Each time a person in power chooses peace over violence, international criminal justice has succeeded.

International criminal justice is not the solution to all our problems. It—like the United Nations itself—was never intended to lead us to heaven, but rather intended to save us from an inexorable descent into an abyss of self destruction. It is an important piece of the great puzzle that we all must work to solve. We at the Tribunal are proud to be part of the solution, together with you, the Member States of the United Nations. We therefore thank you for your support of the Tribunal. And, in return, we pledge to continue discharging the work that you have committed to our care.

Your Excellencies,

It was not so long ago that international criminal justice was but a dream in the minds of those striving for a safer and more just world. But now the dream is in the process of being realised. The Tribunal has demonstrated to the international community that international humanitarian law is an enforceable body of law; that it binds the conduct of the most senior State officials; and that the rule of law is a living, breathing reality that forms part of the fabric of our civilization. The Tribunal represents the aspirations of the international community to ensure that justice prevails over impunity, and this is something in which we all have a stake.

It is for these reasons that the work of the Tribunal, which has been entrusted to us, is not only our work, but in fact the work of everyone here today. I therefore call upon all Member States of the General Assembly to assist us in our commitment to bring the work of the Tribunal to a close—in both an expeditious and fair manner.

I thank you for your kind attention here today.