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International
Criminal Tribunal
for the former
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Tribunal Pénal
International pour
l'ex-Yougoslavie

STATEMENT

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PRESIDENT

Address to the UN General Assembly

Judge Theodor Meron

President, International Criminal Tribunal for the former Yugoslavia

President, Mechanism for International Criminal Tribunals

13 October 2014

Mr. President, Excellencies, Ladies and Gentlemen:

It is my privilege to appear before the General Assembly, and to do so under the Presidency of Uganda, in my dual capacity as President of the International Criminal Tribunal for the former Yugoslavia and as President of the Mechanism for International Criminal Tribunals.

I would first like to extend my congratulations to you, Mr. President, on Uganda's assumption of the Presidency; I wish you every success in the months ahead. I also wish to recognize the continuing support and assistance provided to the ICTY and the Mechanism by the Security Council's Informal Working Group on International Tribunals, the staff of the Office of the Legal Counsel, and by the Legal Counsel himself, and to extend my deepest gratitude to them.

In my remarks today, I will refrain from providing a recap of the written reports submitted on behalf of each of the two institutions I represent; instead, I will underscore key successes achieved by, and challenges facing, the ICTY and the Mechanism.

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Let me first turn to the ICTY.

Since my last report to the Assembly, the Tribunal has made steady progress in completing its last remaining cases: indeed, fewer than ten trials and appeals remain unfinished. Two appeal judgements were rendered this year, and an additional one, involving five individuals convicted at trial, is expected in the next three months. By the end of 2015, based on current forecasts, we expect that only one trial and one appeal, in the Mladić and Prlić et al. cases, will still be ongoing, concluding in 2017. This continued progress in carrying out the ICTY's mandate is made possible thanks to the hard work and dedication of the Judges and staff of the Tribunal.

As the ICTY completes its judicial work, preparing for its full closure in 2017, we are focused on downsizing the institution as rapidly as possible while also ensuring that judicial work continues to conform to the highest international standards. In this regard, Judges and staff members of the Tribunal are particularly grateful to OHRM for its flexibility in accepting certain departures from standard UN regulations, in order to facilitate recruitment and staff retention at a downsizing institution. This flexibility is crucial to helping the Tribunal complete its mission in a timely manner, and I hope that OHRM will continue to be supportive of any future requests.

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Of course, as is inevitable for a pioneering institution, the ICTY continues to face certain challenges, both in the context of individual cases and in preparing for its eventual closure. For example, given the complexity of the cases we address—often involving thousands of exhibits, hundreds of witnesses, massive translation requirements, and the complications of distance—some delays and setbacks are inevitable. These difficulties should not, however, either distract or detract from the very significant achievements of the Tribunal, which far outpace the expectations of even the most optimistic observers in 1993, the year of our founding. Our success since then is a testament to the international community's dedication to the rule of law, and a symbol of Member States' common commitment to ending impunity.

Perhaps the greatest challenges faced by the Tribunal at this stage involve staff morale and ensuring that we have enough qualified staff to allow our cases to be completed, despite the fact that staff members will all be losing their jobs very soon as a result of the completion of the Tribunal's mandate. My colleagues and I are continuously reminded of, and grateful for, the extraordinary efforts of staff in helping to carry out the Tribunal's remaining work.

Mr. President, Excellencies, please do not underestimate the key role that the international community plays in this regard as well. Beyond the broad practical assistance the Tribunal has been afforded, the international community's sustained support for our work over the last two decades, and to this very day, is both an affirmation of a common commitment to the principle of accountability and to the rule of law and a key source of inspiration for the Tribunal's staff members, helping to ensure that they keep their focus on completing the ICTY's last, historic cases expeditiously and to the highest standards of quality. And for this, I wish to offer you my sincere thanks.

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I will now turn to the work of the Mechanism.

It gives me great pleasure to report that the Mechanism continues to make excellent progress at assuming relevant functions, and that it has already completed or is in the process of completing transfer of responsibilities from the ICTY and ICTR with regard to witness protection, archives, and other matters. In this respect, I am particularly grateful to President Joensen, and to the Prosecutors, the Registrars, Judges, and staff of the ICTR and ICTY for their continued cooperation and assistance. As these two tribunals prepare to bring their operations to a close, the Mechanism is also assuming responsibility for administrative functions, and is making good progress in preparing for construction of a permanent building in Arusha in accordance with the parameters approved by the General Assembly.

The Mechanism has already undertaken a range of judicial work; it is on track to deliver its first appeal judgement by the end of the year, and has rendered decisions and orders on a variety of other matters. The Mechanism is also keenly aware of its responsibility to cooperate with authorities in national jurisdictions, and has processed various requests for access to evidence from proceedings of the ICTR and ICTY.

In addition to completing the smooth transfer of remaining functions from the ICTR and ICTY, the Mechanism faces two pre-eminent challenges. The first of these is working with the international community to ensure that the nine individuals indicted by the ICTR but not yet arrested are apprehended. Six of these cases have been referred to Rwanda for trials should they be apprehended, while the three most senior will be tried by the Mechanism. The ICTY's success in accounting for each of the individuals it indicted is a remarkable achievement of international criminal justice; realizing the same result with respect to ICTR indictees is essential to maintaining this legacy. The Prosecutor of the

Mechanism continues to undertake important efforts to track remaining indictees, and I would call upon every Member State of the United Nations to assist these efforts to the utmost.

A second challenge that will soon be fully assumed by the Mechanism involves relocation of individuals who were acquitted by, or who have finished serving sentences imposed by, the ICTR, but who are unable or afraid to return to their country of citizenship. The total number of these individuals is very small. However, it is vital to the credibility of international justice institutions and the United Nations as a whole that these individuals be appropriately relocated. Efforts to find countries willing to accept these individuals have heretofore not been sufficiently successful—accordingly, I would urge each delegation present today to discuss with your governments the possibility of accepting one or more acquitted or released individuals.

Of course, the Mechanism also faces a number of additional challenges. However, I am very confident that with the support of the international community, including our host States, Tanzania and The Netherlands, the Mechanism will continue to make progress in fulfilling its mandate, serving as a worthy successor to the ICTR and ICTY. We are continually striving to adopt the best practices of these two predecessor institutions, while ensuring that we carry out our limited mandate by the most efficient and effective means possible.

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Mr. President, Excellencies, as a scholar of international law and justice, as well as an international Judge for more than a dozen years, I know all too well the long history of efforts—moral and practical, political and judicial—to address the worst crimes that often accompany war. Humankind has, time and again, condemned these atrocities—but, historically, and tragically, such condemnations have been to very limited real effect.

Given all of this, I never cease to be struck by the fact that, with the founding of the ICTR and ICTY, just two decades ago, the United Nations achieved a unity of purpose in favour of justice that, both symbolically and materially, has eluded the international community for centuries prior. The system of international criminal justice that we enjoy today, including the ICTR, the ICTY, and the Mechanism as well as the world's first permanent international criminal court, the ICC, is a profound and lasting achievement. With the continued support of the international community, these institutions will, it is my fervent hope, serve as harbingers of a new era—of a new world—where respect for the rule of law is universal and the concept of impunity is relegated to history.

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