



General Assembly

Distr.: General
2 November 2020

Original: English

Seventy-fifth session

Agenda item 132

International Residual Mechanism for Criminal Tribunals

Note by the President of the General Assembly

I have the honour to circulate the text of the pre-recorded statement delivered by the President of the International Mechanism for Criminal Tribunals (see annex), which was played at the 17th plenary meeting of the seventy-fifth session of the General Assembly, held on 21 October 2020, pursuant to Assembly decision 75/506 of 13 October 2020.



Annex

[Original: English and French]

It is my privilege to address the General Assembly on behalf of the International Residual Mechanism for Criminal Tribunals. Although this year's circumstances demand a less personal approach than usual, I am no less enthusiastic to be at the Assembly today to present the Mechanism's annual report (see [A/75/276](#)) and brief members on the Mechanism's most recent activities.

At the outset, allow me to congratulate His Excellency Mr. Volkan Bozkir of Turkey on his election as President of the historic seventy-fifth session of the Assembly. Mr. President, I wish you every success in this distinguished office, in particular considering the challenging times in which we find ourselves. I also wish to express my sincere gratitude to the Secretary-General for his steadfast support of the Mechanism's work, as well as the extremely valuable continued assistance provided by the Legal Counsel and the Office of Legal Affairs.

Every single one of us, every State and every international organization, has been affected in some way by the ongoing coronavirus disease (COVID-19) pandemic, and the Mechanism is no exception. Before the pandemic took hold, the Mechanism was on track to conclude most of its ongoing judicial caseload by the end of this year. However, as the global health crisis unfolded and as various restrictions and measures were put in place, the envisaged timelines for case completion were interrupted and delayed.

Nevertheless, the need to tackle and minimize the impact of the pandemic on the operations of the Mechanism also provided us with an opportunity to demonstrate our resilience, creativity and commitment. I am proud to report that, despite the many challenges presented, the Mechanism has remained operational throughout and undeterred in its commitment to continue delivering results.

Indeed, while most staff transitioned rapidly to remote work arrangements, thanks to our outstanding information technology services section, judicial activity continued outside the courtroom, with Judges and staff making every effort to ensure continued progress on the existing caseload. Subsequently, as the pandemic eased somewhat mid-year, our facilities management and other sections immediately started to develop and implement measures to provide for a safe and gradual return of staff to the premises and to enable the resumption of in-court proceedings at both branches. This has allowed for some important developments since the submission of the Mechanism's report, which I would like to mention today.

First, following the remodelling and technical enhancement of the courtroom in The Hague, in order to enable remote participation and ensure the health and safety of all present, the appeal hearing in the case of Ratko Mladić was successfully held in late August. This was a major logistical feat. Notably, four of the five Judges on the bench participated by secure video link from two different continents, while one Judge and the parties participated inside the courtroom.

Secondly, court hearings in the case of Jovica Stanišić and Franko Simatović recommenced in September, with the last witness for the defence being heard two weeks ago, thus bringing the evidentiary hearings of the case to a close.

Thirdly, the long-awaited trial in the contempt case against Maximilien Turinabo and five others is due to start tomorrow at our Arusha branch, where the courtroom has undergone similar modifications.

I take this opportunity to express my sincerest gratitude to the Mechanism's Judges and wonderful staff for their tireless work and dedication, as well as their

ingenuity. They have indeed risen to the challenges of this unprecedented time and ensured that the Mechanism could honour its responsibilities to accused and convicted persons, as well as to witnesses and victims.

Another significant highlight of the reporting period was the adoption of Security Council resolution [2529 \(2020\)](#), following the Council's third review (see [S/2020/309](#)) of the Mechanism's work and progress, as well as an evaluation of the Mechanism's methods and work by the Office of Internal Oversight Services. In its resolution, the Security Council reaffirmed the Mechanism's mandate and extended the term of the Prosecutor for two additional years.

Following the adoption of the resolution, the Secretary-General renewed my own term of office, together with that of the Judges on the Mechanism's judicial roster and appointed a new Registrar, Mr. Abubacarr Tambadou of the Gambia. Notably, the resolution urged Member States to intensify their cooperation with the Mechanism in order to achieve, among other things, the arrest and surrender of all remaining fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR).

The crucial importance of such State cooperation was highlighted in May, when the Office of the Prosecutor, in the middle of the global pandemic, managed to secure the arrest of Félicien Kabuga in France, after he had been on the run for more than 20 years. While Mr. Kabuga challenged his transfer into the Mechanism's custody, ultimately the French Cour de Cassation found that there were no medical or legal reasons to prevent such transfer and rejected his appeal.

As of the time of the recording of this video, a Mechanism Judge has been seized with requests by Mr. Kabuga to be transferred to The Hague rather than to Arusha, and we expect a decision to be issued shortly if it has not been issued by the time the Assembly hears this address. Mr. Kabuga's arrest would not have been possible without the outstanding collaboration of the law enforcement and judicial authorities of France, as well as those of Austria, Belgium, Germany, Luxembourg, the Netherlands, Rwanda, Switzerland, the United Kingdom, the United States and others, together with the European Union Agency for Law Enforcement Cooperation and INTERPOL.

I wish to commend Prosecutor Brammertz and his excellent team for this impressive achievement, which is a prominent example of what can be accomplished when States and international organizations join forces to uphold the rule of law and end impunity for mass atrocity crimes.

Another great example of effective State cooperation concerns the enforcement of sentences. I am pleased to share that, since the Mechanism's report was submitted, the Kingdom of Belgium has generously agreed to enforce the sentence of another convicted person who was successfully transferred to its custody in September.

Following this welcome development, 50 individuals convicted by the ICTR, the International Tribunal for the Former Yugoslavia (ICTY) or the Mechanism are currently serving their sentence in the prison facilities of enforcement States. Only two persons are awaiting transfer to an enforcement State to serve their sentence – one in the United Nations Detention Facility in Arusha and one in the United Nations Detention Unit in The Hague.

I once again praise the 15 Member States that are assisting us with the enforcement of sentences imposed by the ad hoc tribunals or the Mechanism. Their assiduous support with this important undertaking allows the Mechanism to fulfil a key part of its mandate and for this I thank them wholeheartedly. Allow me to add that I am particularly impressed by the efforts made to ensure the health and safety of our convicted persons during the current COVID-19 pandemic. I am appreciative of

States' fortnightly updates in response to my relevant orders to the Registrar for regular information.

Concerning enforcement issues, as noted in my report, I issued earlier this year a revised Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, and Early Release of Persons Convicted by the ICTR, the ICTY or the Mechanism, with a view to simplifying the process and making it more transparent. However, the legal approach and framework remain the same. Since the close of the reporting period, I have issued three more decisions on early release applications. I continue to take my responsibilities in this regard extremely seriously and to seek a fuller range of relevant information, including on issues of rehabilitation, before making my determination.

Members will understand that much is at stake when a person convicted of genocide, war crimes or crimes against humanity is released early, not only for the convicted person but also for victims, communities and whole societies. Therefore, these issues must be decided in accordance with the law and with the utmost care and fairness.

Returning to the topic of State cooperation, I echo Security Council resolution [2529 \(2020\)](#) in urging Member States to maintain the momentum and intensify their support for achieving the arrest and surrender of the remaining fugitives indicted by the ICTR. The Prosecutor and his team are engaging in intensive efforts to find the fugitives and the Mechanism stands ready to try those whose cases have not already been referred to Rwanda.

However, these individuals will be brought to justice only with the sustained assistance and genuine commitment of Member States. The same resolution of the Council also emphasizes the importance of finding expeditious and durable solutions for the continued dilemma of the acquitted and released persons residing in a safe house in Arusha, and reiterates its call on Member States to cooperate with and render all necessary assistance to the Mechanism. I take this opportunity to commend Registrar Tambaou for his proactive efforts to resolve the situation since assuming office and am cautiously optimistic that these may bear fruit.

I am grateful that for eight years the General Assembly has continued to meet annually to discuss the Mechanism's performance in carrying out the essential residual functions of the ad hoc Tribunals. It is apparent more than ever that international criminal justice continues to require the international community's attention and unwavering commitment. For this reason, I am particularly heartened by Member States' reaffirmation of their collective commitment to multilateralism, 75 years after the United Nations was established.

In my role as President, I am ever mindful that the Mechanism is the product of such multilateralism and of a strong and resolute United Nations that has had the courage to take action when needed – first, in breaking new ground by establishing the ad hoc tribunals in 1993 and 1994, respectively, and subsequently by creating the Residual Mechanism in 2010 to follow through and conclude their work.

This year has also provided us with a sad reminder of what can happen when the international community stands by, powerless to take unified action. Indeed, July 2020 marked 25 years since the genocide in Srebrenica and the Mechanism took part in commemorative events honouring the victims of those unspeakable crimes. However, 2020 also marks 25 years of peace in the Balkans, following the signing of the Dayton Peace Agreement, which effectively ended the war and provided for a measure of stability that continues to date.

While such instances demonstrate that multilateralism will always be a crucial component of any peaceful world order, I am acutely conscious of the Mechanism's

own responsibilities in promoting and advancing the principles and purposes embedded in the founding Charter of the United Nations, which has endured the test of time for seven and a half decades. I am proud that one of the lasting contributions of the Mechanism and its predecessor Tribunals is the establishment of a network of accountability, which reaches all corners of the world and has the potential to make justice an everyday reality within domestic legal systems.

Of course, the judgements of an international criminal court or tribunal can never heal the deep wounds inflicted by the horrors of war. It falls to Member States to provide justice at the national level, reconcile fractured societies and combat the forces of revisionism. Nevertheless, international justice mechanisms play a crucial role in ensuring sustainable peace and they – we – will continue to require Member States' support.

In conclusion, I can assure the Assembly that the Mechanism's Judges and staff remain determined to see through, until the end, the solemn mandate entrusted to us by the United Nations. In doing so, we will continue to rely upon Member States' sustained cooperation and assistance and we look forward to sharing in the ultimate success of this joint endeavour.

Please stay safe.
