



# General Assembly

Sixty-ninth session

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Official Records

*President:* Mr. Kutesa ..... (Uganda)

*The meeting was called to order at 3:05 p.m.*

## Agenda items 71, 72 and 127

### Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

**Note by the Secretary-General transmitting the nineteenth annual report of the International Criminal Tribunal (A/69/206)**

### Report of the International Tribunal for the Persecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

**Note by the Secretary-General transmitting the twenty-first annual report of the International Tribunal (A/69/225)**

### International Residual Mechanism for Criminal Tribunals

**Note by the Secretary-General transmitting the second annual report of the International Residual Mechanism for Criminal Tribunals (A/69/226)**

**The President:** I give the floor to Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda.

**Judge Joensen** (International Criminal Tribunal for Rwanda): I would like to begin by extending my sincere congratulations to you, Sir, on your election as President of the Assembly at its sixty-ninth session. I wish you a successful term of duty.

This is my third appearance before the General Assembly in my capacity as President of the International Criminal Tribunal for Rwanda (ICTR). It remains an immense honour for me to address the members of the Assembly, and it is my pleasure to present the nineteenth annual report of the ICTR (see A/69/206). The report details the progress made in the past year towards the completion of the Tribunal's mandate and the transition to the International Residual Mechanism for Criminal Tribunals.

I will begin by providing a brief overview of the work undertaken throughout the reporting period, from 1 July 2013 to 30 June 2014. During that period the Tribunal continued its effort to complete the remaining appeals expeditiously while respecting the rights of the accused, transferred a second accused in its custody to Rwanda for trial and made significant progress in the ongoing transition of functions to the Mechanism. I will also update the Assembly on the progress since the close of the reporting period, which included the delivery of three additional appeal judgements.

As the Assembly is aware, the work before the ICTR Trial Chambers has been complete since December

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2012, and the Tribunal's remaining judicial work is now focused in the Appeals Chamber. During the reporting period, the Appeals Chamber rendered three judgements concerning five persons in the *Ndahimana*, *Ndindiliyimana et al.* and the *Bizimungu* cases. In addition to those issued during the reporting period, on 29 September 2014, the Appeals Chamber delivered a further three judgments concerning four persons in the *Karemera* and *Ngirumpatse*, the *Nizeyimana*, and the *Nzabonimana* cases. I also note that the *Ngirabatware* appeal, which originates from the Tribunal's final trial, is currently pending before the Mechanism and remains projected for completion before the end of 2014.

I am pleased to report that as of 29 September 2014, the Appeals Chamber has completed all of its work, with the exception of one case, *Nyiramasuhuko et al.* ("*Butare*"), which involves six persons and remains projected for completion in 2015. It will be no small feat to complete an appeal of that size in such a relatively short time. That the completion remains on track without any further delays, despite the unprecedented amount of pre-appeal work and the complexity of the case, is a testament to the dedication of all of the judges and their staff in the Appeals Chamber.

In light of the latest projected completion date of the *Butare* appeal judgement and the involvement of the ICTR judges in cases before the International Criminal Tribunal for the Former Yugoslavia, a request for extension of the terms of office of the judges in line with projected completion of our work was recently made. I hope that the Member States will support that request, as it is crucial that the Tribunals complete the remaining work and reach orderly completion of our mandates.

I feel that it is incumbent upon me to take this opportunity to commend the Appeals Chamber, as well as the entirety of the staff of the ICTR, for their continued hard work. The significant progress we have achieved towards the completion of our mandate and the transition to the Mechanism would not have been possible without their persevering efforts. As we near the end of our mandate and continue to work to complete the final appeal without delay, the staff who remain at the ICTR are among the most dedicated and professional individuals in the Organization. That is evidenced by the fact that many have sacrificed opportunities for more secure and lucrative employment prospects in order to see their work through until the end. I hope that Member States will continue to

encourage the Secretariat and other United Nations entities to strongly consider applications from ICTR staff members, particularly those who remain with the Tribunal until completion of contract.

I turn next to cases referred to national jurisdictions. The ICTR transferred Bernard Munyagishari to Rwanda in July 2013, marking the second and final transfer from the ICTR to Rwanda of an accused in custody. There are now four cases pending in national jurisdictions from ICTR indictments – two in Rwanda and two in France. Six fugitive cases have also been transferred to Rwanda, leaving only three fugitives to be tried by the Mechanism.

The function of monitoring the referred cases now rests solely with the Mechanism. During the reporting period, however, the Tribunal provided staff to assist the Mechanism with monitoring the two cases transferred to Rwanda and the two cases referred to France. Staff from the Judicial and Legal Affairs Section of the Tribunal based in Arusha acted as interim monitors of the proceedings in Rwanda during part of the reporting period, and an Appeals Chamber staff member in The Hague continues to act as interim monitor for the cases transferred to France. Both have submitted regular reports to the Mechanism, and the Tribunal has followed the progress closely and will continue to provide support as required until its closure. I would like to express my deep gratitude to the staff members who have agreed to take on those important roles in addition to their core duties, and to commend them for ensuring that serving as monitors has caused no detriment to their regular workload.

I will now provide an update on the transfer of archives to the Mechanism. The ICTR worked vigorously during the reporting period to continue the hard work of preparing its records for preservation by the Mechanism, which will also ensure ease of access to them for posterity. In that respect, the Tribunal continues preparing its paper, electronic and audiovisual records for transfer to, and management by, the Mechanism. That work is done in collaboration with the Mechanism in order to ensure that the records will be easily manageable after their transfer.

In addition to the inventory and appraisal of the ICTR records and the planning and implementation of the transfer process, the Tribunal is also working on the redaction of audio-visual records of trial proceedings. Those records, which are most important for ensuring that the events in Rwanda will never be forgotten,

may also serve as road maps for the creation of future international tribunals and – possibly almost as importantly – can be used to further empower domestic courts and educate the world on the importance of challenging impunity.

Despite persistent staffing challenges, the Tribunal has made significant progress in the preparation and transfer of its records to the Mechanism. As of 1 October, the Mechanism had received approximately 47 per cent of the physical ICTR records, which will be housed in the Mechanism's archives. That does not include the Prosecutor's archives, which I will discuss next. I especially thank all the staff working on that important project and commend them on the work they have completed with distinction.

I next turn to the Office of the Prosecutor, which has made significant progress towards completing the prosecution of ongoing appeals, monitoring the cases referred to national jurisdictions and ensuring a smooth and efficient transfer of functions, archives and records to the Mechanism.

During the reporting period, the Office continued litigation on 26 appeals in seven cases. It also handed over responsibility for the tracking of fugitives to the Mechanism and provided support to Rwandan authorities in the prosecution of crimes and in preparing for the transfer of cases from the Tribunal. The Office of the Prosecutor formally transferred one of its archival facilities along with the records of 27 cases for archiving to the Mechanism during the reporting period. The processing of prosecutorial records continues and processing of the entirety of the Office's archives is expected to be finished upon the completion of all appeals.

The Office of the Prosecutor has also been exemplary in its work on a number of projects that will be important in shaping the legacy of the Tribunal. Through those projects, it has strengthened the capacity of national criminal justice systems to effectively and efficiently prosecute international crimes. In September 2013, the Office published a manual on the tracking and arrest of fugitives from international justice. That initiative will assist national authorities, like Rwanda, to track and arrest outstanding fugitives. The prosecution of cases of sexual violence also continues to be an important objective of the Office. In order to empower those in charge of prosecuting violence against women, the Office released a best-practices manual on the prosecution of sexual and gender-based

violence in Kampala in January 2014. National and international prosecutors from around the world will benefit from both manuals.

I now return to an important concern that the ICTR has raised in both the General Assembly and the Security Council for years, that of relocating acquitted persons and those released after serving their sentences. Since 2011, the Security Council has called upon Member States to assist the Tribunal with the relocation of acquitted and released persons who are currently residing in Arusha. During the reporting period the Tribunal continued to search for host countries for the nine acquitted and three convicted released persons.

We are happy to report that the number of acquitted persons in Arusha was recently reduced to eight. In that regard, I must commend the Kingdom of Belgium for its recent agreement to reunite one of the Tribunal's acquitted persons, Augustin Ndindiliyimana, with his family who live in Belgium. However, apart from the recent acceptance by Belgium of one acquitted person, there have been few developments in that area despite tremendous efforts, especially by the Registrar, who works constantly to find solutions. Those efforts have been made through meetings with representatives of several African and European countries, including the Government of Rwanda.

More recently, Rwanda has provided assurances that the acquitted and released persons are welcome to return to Rwanda, that they will not be harmed or prosecuted and that their properties will be handed back to them. However, the acquitted and released persons are reluctant to return due to fear of prosecution and reprisals from others, and there is no means for the Tribunal to assess the existence of any perceived threat they allege.

As I have stated in the past, I remain deeply concerned that no solution has yet been identified. While Member States continue to voice support for the relocation of those persons – and the recent progress in Belgium is a step in the right direction – much more is needed if the ICTR can hope to make any progress prior to its closure. As of 1 January 2015, the Mechanism will take over the formal responsibility for relocation, with assistance from the Tribunal until the resolution of the problem or our closure. The urgent assistance of all Member States is essential to ensure that we do not fail to relocate the remaining eight acquitted persons and three convicted released persons in Arusha.

This has been a remarkable year, especially since April marked the passage of 20 years since the genocide in Rwanda. To pay homage to the over 800,000 men, women and children killed in April 1994, the ICTR led and participated in commemoration events throughout the Great Lakes region. Events of that sort help facilitate the healing process in Rwanda and ensure that the international community never forgets, never again closes its eyes to genocide and honours those who lost their lives by learning from the events in Rwanda in an effort to ensure our ultimate goal of preventing tragedies of that kind from ever taking place again.

I wish to especially thank the Government of Rwanda for inviting representatives from the Tribunal to participate in its official twentieth commemoration event, which demonstrated Rwanda's tremendous resolve in rebuilding its society, especially its judicial mechanisms, after the genocide. It further reminded the international community of the need for truth, justice and reconciliation in the wake of such atrocities.

As the Tribunal approaches its own milestone – the twentieth anniversary of its creation by the Security Council – we remain committed to preserving its legacy and to sharing developed practices and lessons learned with other international and domestic judicial mechanisms, as part of efforts to continue the fight against impunity. To highlight the achievements of and the lessons learned by the ICTR and to discuss its impact on the development of international humanitarian law, the administration of justice and the promotion of the rule of law, particularly in the Great Lakes region, the ICTR plans to hold a legacy symposium and other events in Arusha, which will culminate with a ceremony on 8 November 2014 commemorating the establishment of the ICTR. The symposium will bring together experts in the field of international justice, including jurists, academics, civil society members and others, who will reflect on the legacy of the ICTR and the future of international justice.

Before closing, I would be remiss if I did not also emphasize the efforts made by the Tribunal to ensure that the affected communities and the international community understand the ramifications of the genocide and the lessons we have learned in our battle against impunity. In that context, the Office of the Registrar continues to play a key role through outreach programmes aimed at training legal professionals, conducting genocide-awareness workshops and media outreach events and distributing materials about the

ICTR and the genocide to schools, local governments and members of the public.

Further, the sharing of developed practices between the international criminal tribunals and the International Criminal Court is another important initiative launched by the Tribunal this year. The goal of those developed-practices workshops is to bring together legal officers from the international and hybrid criminal tribunals to discuss and share developed practices and lessons learned. However, those important workshops will not be able to continue without further funding. It is our hope that Member States will consider supporting that important initiative.

It remains my honour to address the Assembly once more. With only one appeals case remaining, the Tribunal's mandate is nearly complete. On behalf of the entire Tribunal, I wish to express our gratitude to members' Governments for supporting the work of the Tribunal and helping in our collective fight to challenge impunity. But there is still work left to do. I have full confidence that, with the support of Member States, the ICTR commitment to the sentiment that never again should flagrant violations of international criminal and humanitarian law go unpunished will continue to evolve in a meaningful way and lead to the eventual realization of our goal of ending impunity.

**The President:** I now call on Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia and of the International Residual Mechanism for Criminal Tribunals.

**Judge Meron** (International Criminal Tribunal for the Former Yugoslavia and International Residual Mechanism for Criminal Tribunals): 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 (ICTY) and as President of the Residual Mechanism for International Criminal Tribunals.

I would first like to extend my congratulations to you, Sir, 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 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. Let me first turn to the ICTY.

Since my last report to the Assembly (see A/68/PV.33), the Tribunal has made steady progress in completing its last remaining cases. Indeed, fewer than 10 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. That continuing progress in carrying out the ICTY's mandate is 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 that regard, judges and staff members of the Tribunal are particularly grateful to the Office of Human Resources Management (OHRM) for its flexibility in accepting certain departures from standard United Nations regulations in order to facilitate recruitment and staff retention at a downsizing institution. That 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 similar requests in future.

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 – which often involve thousands of exhibits, hundreds of witnesses, massive translation requirements – and the complications of distance, some delays and setbacks are inevitable. Those difficulties should not, however, either distract us 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 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 made by staff to help carry out the Tribunal's remaining work.

Please do not underestimate the key role that the international community plays in that 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. It has helped 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 my sincere thanks.

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 in assuming relevant functions and that it has already completed or is in the process of completing the transfer of responsibilities from the ICTY and the International Criminal Tribunal for Rwanda (ICTR) with regard to witness protection, archives and other matters. In this respect, I am particularly grateful to my colleague and friend, President Joensen, and to the prosecutors, registrars, judges and staff of the ICTR and ICTY for their continued cooperation and assistance. As the 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 also 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 those challenges is working with the international community to ensure that the nine individuals indicted by the ICTR but not yet arrested are apprehended. Six of those 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 that legacy. The Prosecutor of the Mechanism continues to undertake important efforts to track remaining indictees, and I would call upon every State Member of the United Nations to assist those efforts to the utmost.

A second challenge that will soon be fully assumed by the Mechanism involves the relocation of individuals who were acquitted by the ICTR or who have finished serving sentences imposed by it but who are unable or afraid to return to their country of citizenship. The total number of those individuals is very small. However, it is vital to the credibility of international justice institutions and the United Nations as a whole that they be appropriately relocated. Efforts to find countries willing to accept those individuals have heretofore not been sufficiently successful. Accordingly, I would urge each delegation present today to discuss with their 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 those two predecessor institutions, while ensuring that we carry out our limited mandate by the most efficient and effective means possible.

As a scholar of international law and justice and 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 – undertaken to address the worst crimes that often accompany war. Humankind has, time and again, condemned those atrocities, but

historically – and tragically – such condemnations have had a very limited real effect.

Given all of that, 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, had eluded the international community for centuries. 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 – is a profound and lasting achievement. With the continued support of the international community, it is my fervent hope that those institutions will 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.

**The President:** I now give the floor to the observer of the European Union.

**Mr. Marhic** (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, as well as Armenia, align themselves with this statement.

We reaffirm our unwavering support for the work of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. We praise both Tribunals for their achievements and invaluable contributions to our shared goal of ending impunity for serious international crimes. We welcome the fact that the Mechanism is now operating on two continents and performing functions inherited from both the ICTR and the ICTY. We thank President Meron and President Joensen for their reports and commend them for their efforts in completing the work of the Tribunals. We also pay special tribute to the work of all the staff of the Tribunals and the Mechanism. It is important that both Tribunals and the Mechanism receive the necessary support to complete their mandates.

The Tribunals have played a key role in strengthening the rule of law and promoting long-term stability and reconciliation. Since their establishment, both Tribunals have embodied the need to fight impunity and the refusal by the international community to let the

perpetrators of the most serious crimes of international concern escape justice. They were forerunners in creating jurisprudence in their field. They paved the way for the International Criminal Court.

Both Tribunals have continued to hand over responsibilities to the Mechanism, and we welcome the fact that the staff of the three institutions have worked together closely, sharing institutional knowledge, expertise and lessons learned. Such a smooth transition process is important in order for both branches of the Mechanism to carry on and protect the work of the Tribunals. Finally, we note with satisfaction that both Tribunals are committed to completing their proceedings in an efficient and timely manner, without compromising fair trial rights.

We recall that States' responsibility to cooperate with the Tribunals and the Mechanism remains crucial for their ability to complete their mandates, particularly cooperation in bringing those indicted to justice.

With respect to the ICTR, we recall that despite continuing appeals by the international community, nine accused individuals remain at large. The failure to arrest those fugitives is a matter of grave concern. We note with appreciation that the Office of the Prosecutor of the Mechanism focuses, among other tasks, on the tracking of the remaining fugitives indicted by the ICTR and that the Prosecutor continues to receive support from INTERPOL and some United Nations Member States, including through the United States' War Crimes Rewards Programme. We call upon all States concerned to intensify their efforts and cooperation with the Arusha branch of the Mechanism in order to achieve the arrest and surrender of all remaining fugitives. Enhanced cooperation of the United Nations Member States on the issue of relocation is also needed in order for the Tribunal to be successful in implementing its strategic plan for relocation prior to its closure.

On 8 November, the ICTR will mark 20 years since its creation by the Security Council. At the same time, there will be approximately one year remaining until the projected closure of the Tribunal. The support of the international community is necessary for the completion of the ICTR's mandate.

With regard to the ICTY, we note that at the closure of the reporting period, fewer than ten trials and appeals were pending and that there were no outstanding indictments for violations of core statutory crimes. We note that in the ICTY report (see A/69/225), the

Office of the Prosecutor acknowledges the assistance it received from the European Union and the EU member States, and we will continue to support that Office.

We welcome the fact the Office of the Prosecutor continued to provide information on the ongoing ICTY cases to assist national jurisdictions in prosecuting crimes arising out of the conflict in the former Yugoslavia, and that the joint European Union/ICTY liaison prosecutors project remained a central component of the Office's strategy in that regard. We also note that the States concerned remain committed to meeting their obligations towards justice. Completing the process of rendering justice for crimes committed during the conflicts in the former Yugoslavia is an essential contribution to lasting reconciliation. Full cooperation with the ICTY therefore remains an essential condition for the Stabilisation and Association Process in the Western Balkans and is an essential condition for membership of the European Union.

We welcome the work of the Tribunals and the Mechanism on strengthening the capacity of national authorities to handle the remaining war crimes cases effectively. We fully support the training and information exchanges, as well as the access to material and evidence from the Tribunals that is publicly available for investigating. That is important for the Tribunals' legacy and for the domestic capacity to adjudicate war crimes. In its Stabilisation and Association Process for the Western Balkans, the EU is increasingly underlining the importance of local ownership for handling war crimes cases, in line with the need to fight impunity.

We note that the Office of the Prosecutor continued to promote improved regional cooperation among States of the former Yugoslavia in judicial matters, and we welcome the signature of the protocol on the exchange of information and evidence in war crimes cases adopted between Bosnia and Herzegovina and Montenegro on 29 April. However, many challenges remain in coordinating the activities of judicial institutions in parts of the region, and we note the serious concerns expressed by the Office of the Prosecutor in the parts of the report addressing national war crimes prosecution. We note the recent increase in staff numbers in the Prosecutor's Office of Bosnia and Herzegovina, which should advance the implementation of the national war crimes strategy in the upcoming period.

We note that the Arusha branch of the Office of the Prosecutor continued to monitor progress in cases transferred to national jurisdictions and that substantial

progress has been achieved in certain proceedings. We continue to urge all States to cooperate with both Tribunals and branches of the Mechanism, in full compliance with their obligations under the relevant Security Council resolutions.

Finally, we welcome the steps taken by the Tribunals and the Mechanism in terms of capacity-building, dissemination of information and legacy. We recall the importance of the preservation of archives in the transition process to the Mechanism, as they remain an integral part of the history and the memory of both Rwanda and countries of the former Yugoslavia. We will continue to support both the principle and the system of international criminal justice and its essential role in the reconciliation process, and we call on all States to do the same. It is indeed important that knowledge gained and lessons learned in the fight against impunity are not forgotten.

**Mr. McLay** (New Zealand): I have the honour to speak on behalf of Canada, Australia and New Zealand (CANZ).

CANZ reaffirms its strong support for the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals.

This year marks the twentieth anniversary of the ICTR, with the ICTY having reached that same milestone last year. Over that time, the Tribunals have elaborated the practice of international law through the administration and management of complex criminal proceedings. They have added breadth and depth to international criminal law jurisprudence, administering justice in cases involving some of the most horrific crimes in recent history.

CANZ acknowledges the Tribunals' efforts as they implement their completion strategies, all the while ensuring, as the Presidents have emphasized, that fundamental procedural safeguards are met. The ICTR has completed work on substantive cases at the trial level for all 93 accused, including transferring the cases of three fugitives to the Residual Mechanism and the cases of six other fugitives to Rwanda. The Tribunal has completed appellate proceedings in respect of 15 individuals, and all but one of the remaining appeals will be completed in this year, 2014.

Significantly, there are no fugitives at large from the ICTY. It now enjoys its full complement of judges

and has concluded proceedings against 141 of 161 indictees. Four trials and five appeals continue before the ICTY, including the trials of three of the most senior indicted figures, demonstrating that critical work remains to be done and that the Tribunals must receive the full support of the international community until their mandates are completed. We encourage the ICTY to continue ensuring that those proceedings are advanced efficiently and effectively.

In addition to judicial proceedings, both the ICTY and the ICTR have engaged in wider activities that contribute to the advancement of international criminal justice.

Notwithstanding the efforts of the Tribunals, CANZ notes that States also have a central role as facilitators of that important work, in which regard we acknowledge that the final apprehension of standing ICTY fugitives was due, in very large part, to the cooperation of States and the ICTY Prosecutor. We encourage similar cooperation on the part of all States in relation to the outstanding ICTR fugitives, including cooperation with the Residual Mechanism, pursuant to Security Council resolution 2150 (2014). We also urge Member States to assist with enforcing sentences and improving conditions in places of detention for convicted persons. Of particular concern to CANZ is the situation of the nine persons acquitted and released by the ICTR and the three who have completed their sentences and are still awaiting relocation.

CANZ reiterates its support for Security Council resolution 1966 (2010) of December 2010, in which the Council decided to establish the Residual Mechanism. That decision is integral to ensuring that the rule of law, the practical application of criminal justice, the protection of witnesses and the maintenance of Tribunal archives all continue beyond the completion of the Tribunals' respective mandates. The most recent ICTY and ICTR reports (see A/69/225 and A/69/206) demonstrate a commitment to ensuring that remaining Tribunal activities are effectively transferred to the Residual Mechanism.

The successful completion of the work of the Tribunals and their ultimate legacy for international criminal justice are in very large part dependent on the individual and collective efforts of us, the Member States. For their part, Canada, Australia and New Zealand will continue to offer their full cooperation and support for the Tribunals and for the Residual



Mechanism, thus giving practical effect to our commitment to international criminal justice.

**Ms. Stener** (Norway): I have the honour to speak on behalf of the five Nordic countries: Denmark, Finland, Iceland, Sweden and my own country, Norway.

This year the world commemorated the fact that 20 years have passed since the genocide in Rwanda in 1994. The International Criminal Tribunal for Rwanda (ICTR) should be commended for its role in ensuring criminal justice for the horrendous crimes that were committed and in developing international criminal law. Following the three appeals judgements that were issued on 29 September this year, the remaining caseload of the ICTR Appeals Chamber consists of just one case, which is expected to be heard in 2015.

Next year, 20 years will have passed since the genocide in Srebrenica, Bosnia. As the first ad hoc tribunal to be established, the International Criminal Tribunal for the Former Yugoslavia (ICTY) has consistently served as a catalyst for important developments in international criminal law. Fewer than 10 cases remain to be heard at the ICTY at this point – four trials and five appeals. All of the 161 indicted individuals have been accounted for. The ICTY has worked actively to prevent potential delays caused by the heavy work load of the Appeals Chamber, and its efforts have, in our view, been successful.

The Nordic countries would like to applaud the significant achievements of the ICTR and ICTY over the past 20 years. In particular, both Tribunals deserve praise for their work in the area of sexual and gender-based violence. The Office of the Prosecutor at the ICTR released a best practices manual on the investigation and prosecution of sexual and gender-based violence in January this year. We hope that the ICTY's vast experience in handling such cases will also be passed on to relevant stakeholders and practitioners in such a document. Both Tribunals are, however, still functioning and in need of continued support from the international community. It is crucial that the Tribunals be allocated sufficient resources to complete their tasks in the expected timeframe.

Another issue of importance to the successful completion of the mandate of the ICTR is the need to relocate acquitted persons and convicted individuals who have completed their sentences and been released, and who are currently residing in Arusha. That is an

issue the international community should address collectively.

The Mechanism for International Criminal Tribunals was established in 2010 as a key component of the completion strategies of the two Tribunals. The Mechanism is a temporary body, tasked with continuing the jurisdiction, rights and obligations, and essential functions of the ICTR and the ICTY and with maintaining the legacy of both institutions after the completion of their mandates. It will perform a number of critical functions, such as tracking and prosecuting remaining fugitives and conducting appeals proceedings and retrials and trials for contempt of court. The Mechanism is also tasked with other important responsibilities, including protecting victims and witnesses, supervising the enforcement of sentences and supporting national jurisdictions. It is essential to ensure sufficient support for the Mechanism, including satisfactory funding, so that it can perform its tasks and maintain the legacy of the ad hoc Tribunals.

Finally, like the Tribunals, the Mechanism depends on the cooperation of national Governments to arrest fugitives. The fact that nine Rwandan fugitives still remain at large 20 years after the genocide must be addressed. Three of them are earmarked for trial by the Mechanism: Félicien Kabuga, the alleged chief financier of the genocide; Protais Mpiranya, the former Commander of the Presidential Guard; and Augustin Bizimana, the former Defence Minister. As States Members of the United Nations, we are all obliged to cooperate unconditionally and to comply with requests for assistance or orders from the Mechanism. We strongly encourage all States to intensify their efforts to ensure the arrest of the remaining fugitives.

**Mr. Milanović** (Serbia): At the outset, I would like to welcome Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and of the International Residual Mechanism for Criminal Tribunals, and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR). I thank them for their presentations of the annual reports of the two Tribunals (see A/69/225 and A/69/206), as well as of the second annual report of the International Residual Mechanism (see A/69/226).

Let me begin by expressing my country's appreciation of the acknowledgement by the ICTY President of the continued high level of cooperation of

the Republic of Serbia. Serbia has made an important contribution to making the ICTY more efficient than most of the other international criminal tribunals, not only by apprehending the last remaining fugitives, but also by diligently providing documents to the Tribunal and enabling witnesses to testify. As a consequence, no indictees remain at large and most of the 3,458 requests for assistance received from the Office of the Prosecutor or defence counsels for access to documents, archives and witnesses have been complied with, and only those of a more recent date are still being processed. That has been brought about not only by the compliance of the Government of Serbia with its international obligations, but also by its firm commitment to the principles of international humanitarian law. Let me reiterate that the Government of my country is committed to continuing such cooperation with both the Tribunal and the Residual Mechanism.

Serbia welcomes the progress made in the establishment of operational capacities of the branch of the International Residual Mechanism in The Hague over the last year. The successful commencement of the work of the Mechanism is of key importance for the implementation of the ICTY mission in accordance with its mandate and, in particular, for enabling national judiciaries to continue to prosecute war crimes. In that context, I would like to mention with particular appreciation the visit to Belgrade of the Mechanism's Prosecutor, Hassan Bubakar Jallow, on 8 September, during which a memorandum of understanding was signed that will facilitate continued cooperation in the exchange of evidence to be used in cases tried by the national judiciary of Serbia.

Serbia systematically and persistently continues to investigate and indict those suspected of war crimes committed in the territory of the former Yugoslavia. So far, Serbian courts have tried 435 persons for criminal offences committed in violation of international humanitarian law, while 73 persons are currently under investigation. We thus expect the other countries of the former Yugoslavia to do the same and try the cases of war crimes in which Serbs were victims. That is their duty not only towards the victims and their own people, but towards humanity as well.

Serbia has followed with particular attention ICTY activities to implement the completion strategy and facilitate a smooth transition to the Mechanism. It is in the interest of my country to see the processes against its citizens completed and to have their defences

presented under a fair and expeditious procedure, because protracted procedures prolong detention, often indefinitely, and that is contrary to the recognized norms regulating the rights of the accused. The case of Vojislav Šešelj is indicative in that connection. Even 11 years and 8 months after his voluntary surrender and detention in the United Nations Detention Unit, he has not yet been sentenced. It is therefore necessary that the ICTY complete the pending cases as soon as possible with full respect for the trial rights of the accused and the defence.

Regarding the ICTY legacy, the 21-year history of the work of the Tribunal has not, regrettably, been without inconsistencies. The practice has not contributed to the strengthening of the rule of law or of legal security, nor has it helped the acceptance of the legacy across the post-conflict societies of the former Yugoslavia. It does not serve the interests of either the accused or the victims.

It has been demonstrated very clearly that, short of full cooperation by the countries on whose territories the crimes were committed, justice can hardly be served. Regional cooperation, especially in the coming years when the ICTY has ceased its activity, will be of key importance in the struggle against impunity for international criminal offences. Such cooperation with the war crimes prosecutors of Croatia, Bosnia and Herzegovina, Montenegro and the European Union Rule of Law Mission in Kosovo has been constantly intensifying, with evidence being exchanged in 252 cases so far. Let me point out in that regard that the war crimes prosecutors of Serbia and Bosnia and Herzegovina signed an agreement on 11 September on the exchange of liaison officers to facilitate bilateral cooperation on access to evidence.

For its part, my country honours its obligations and will continue to cooperate in good faith, in the firm belief that justice is both a goal and a means of facing the past and addressing the common future. The international judicial system, however, has its own contribution to make through full respect for international norms, human rights and the right to a fair hearing and defence.

In that context, let me reiterate Serbia's readiness to address, and its interest in addressing, the question of the ICTY archives. We advised the Security Council of our official position on the matter in October 2008. We are also ready to continue the discussion on the issue of information centres.

As I pointed out here last year, as well as in the debates in the Security Council, Serbia attaches great importance to the initiative of allowing those sentenced by the ICTY to serve their sentences in the States that emerged in the territory of the former Yugoslavia. My country has shown its readiness to accept its nationals, as well as other willing persons tried by the ICTY, including those yet to be tried by the Mechanism, and is ready to provide full security guarantees regarding the locations in which those sentences would be served.

Today, Serbian nationals are serving prison sentences in Austria, Denmark, Estonia, Finland, France, Germany, Norway, Poland, Portugal and Sweden. Our request that sentences be allowed to be served in Serbia is motivated by the desire to overcome the difficulties that the sentences encounter in foreign prisons, particularly difficulties related to the exercise of human rights. My country has promoted the initiative very actively and since 2009 has sought to sign a sentence enforcement agreement with the ICTY. Its officials have written to the United Nations and the ICTY on the matter on a number of occasions, but, regrettably, to no avail. The Government of Serbia considers that no legal or political reasons exist today - more than two decades later - for the continued implementation of the Secretary-General's 1993 recommendation that provides for the enforcement of sentences outside the territory of the former Yugoslavia.

Without prejudging the recommendation of the Secretary-General, and in view of the statement in the report of the Mechanism to the General Assembly being discussed today that "The Mechanism is grateful to those Member States that are enforcing sentences and to those that are willing to consider concluding sentence enforcement agreements" (*see A/69/226, para. 68*), and in respect of President Meron's statement in his briefing to the Security Council in June 2013 that the Mechanism was actively working to secure additional agreements to increase its enforcement capacity and welcomed the cooperation of States in that regard, Serbia would appreciate the opportunity to sign a sentence enforcement agreement with the Mechanism.

Let me repeat that the results of long-standing cooperation with the ICTY testify to my country's seriousness and readiness to accept international supervision of enforcement and to provide all necessary guarantees. We also consider that other States in the territory of the former Yugoslavia should be enabled to conclude such agreements with the Mechanism, if they

so wish and if they fulfil the necessary conditions. In that context, I would like to point out that on 20 January 2011 Serbia signed the agreement on the enforcement of criminal sentences with the International Criminal Court. Under the provisions of the agreement, the persons convicted before the Court for war crimes, crimes against humanity and genocide may serve their sentences in Serbia.

I wish to conclude by saying that by fulfilling its obligations with respect to its cooperation with the ICTY, as well as by trying war crimes in domestic courts to the highest professional standards, the Republic of Serbia has made a significant contribution to the Tribunal's completion strategy and to the process of normalization of relations among countries of the region. All results of my country's years of cooperation with the Tribunal indicate the seriousness of the Republic of Serbia and its readiness to contribute to the cause of international justice.

**Mrs. Andelić** (Bosnia and Herzegovina): I would like to thank the Secretary-General for transmitting the twenty-first annual report of the International Tribunal for the Former Yugoslavia (ICTY) (*see A/69/225*), the second annual report of the International Residual Mechanism for Criminal Tribunals (*see A/69/226*) and the nineteenth annual report of the International Criminal Tribunal for Rwanda (ICTY) (*see A/69/206*) to the Security Council and to the General Assembly. Let me underline the significant contribution of all the staff of the Tribunals and to thank them for all their efforts and commitment to successfully completing their mandates.

Bosnia and Herzegovina welcomed the establishment of the ICTY and has supported its work since the beginning, because the ICTY is a legal framework for fighting impunity, which ensures accountability for the worst of crimes and an end to a tragic period in the history of Bosnia and Herzegovina and the region. For a long time the ICTY has been the only hope for victims of mass murders, deportations, torture, rape and other inhuman acts. The ICTY has sent a clear message that the crimes committed in the former Yugoslavia should be punished consistently and without exceptions. That should be a clear warning to mass murderers of the future and a support to the process of reconciliation in the region.

Bosnia and Herzegovina has consistently cooperated with the ICTY, and we will continue that cooperation in the future in order to give to the

Residual Mechanism assistance, as necessary. Our authorities continue to provide valuable assistance, allowing access to documents and archives and in the field of witness protection. It is of high importance that the Tribunal's completion strategy and its transition to the Residual Mechanism be successfully implemented. In that regard, Bosnia and Herzegovina is committed to provide support to the Mechanism in doing all necessary administrative and judicial work. We welcome that the Mechanism's staff includes nationals of 46 States, also including nationals of Bosnia and Herzegovina.

The Tribunals have had a positive influence on the judiciary and in terms of respect for the rule of law in Bosnia and Herzegovina, which continues to strengthen national justice systems at all levels in order to bring more war criminals to justice in local courts. We adopted the national war crimes strategy on 29 December 2008. The implementation of the strategy is a complex process that includes the participation of many institutions from all authority levels in Bosnia and Herzegovina. We welcome the support of the European Union in the implementation of the goals of the strategy.

Regional cooperation remains essential for the prosecution of all suspected war criminals and for rebuilding trust in the region. It is a precondition for the process of reconciliation. Bosnia and Herzegovina continues to promote regional cooperation, most recently by signing with Montenegro the protocol on cooperation in prosecution of perpetrators of war crimes, crimes against humanity and genocide, on 26 April. That followed the signing of protocols on the exchange of evidence and information on war crimes, concluded between the Office of the Prosecutor of Bosnia and Herzegovina and the Office of the Prosecutor of Serbia in January 2013 and with the Office of the Prosecutor of Croatia in June 2013. The protocols defined the channels for concluding any investigations concerning citizens of other countries.

Both the ICTY and ICTR have contributed to classifying sexual abuse as a crime against humanity, and as such, the issue of sexual abuse has become an integral part of the Statute of the International Criminal Court. Women judges and women in senior positions in the Offices of the Prosecutors have made significant contributions to the effective prosecution of cases of sexual violence against women. In that respect, we welcome that 56 per cent of professional staff and 53 per cent of all Mechanism staff are female. Furthermore,

we welcome the assistance of UN-Women, which sponsored a programme about prosecuting crimes of sexual violence.

In conclusion, I would like to emphasize that both Tribunals have made considerable achievements and progress in prosecuting individuals who bear the greatest responsibility for serious human rights violations and violations of humanitarian law. Furthermore, we welcome the achievements reached in delivering justice to victims and in developing international criminal law. They have contributed significantly to fighting impunity and to improving general understanding of genocide, crimes against humanity and war crimes. The historic contributions of both Tribunals could serve to inspire other international and national jurisdictions, in particular the International Criminal Court.

**Ms. Rodríguez Pineda** (Guatemala) (*spoke in Spanish*): I would like to thank the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Meron, for the annual reports of the ICTY (see A/69/225) and of the International Residual Mechanism for Criminal Tribunals (see A/69/226), and the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Joensen, for the annual report of the ICTR (see A/69/206). I wish to thank both for their excellent briefings and for their presentations of the reports, for which we are meeting in the Hall today.

With regard to the International Criminal Tribunal for Rwanda, we are pleased that the activities being carried out in the appeals cases are expected to conclude before the end of the year, with the exception of one case for which a final ruling is expected by August 2015. In that spirit, we celebrate the fact that soon 20 years will have passed since the Security Council established the Tribunal. We recognize its considerable achievements and the progress it has made in advancing international criminal law, ensuring justice for victims and strengthening national systems.

At the same time, much work remains to be done before the Tribunal can close its doors. In that regard, I refer in particular to the urgent situation of those acquitted or who have served their sentences while living in safe houses in Arusha. That should remain a priority, and the Security Council should support the Tribunal in its efforts to resolve the matter before it completes its mandate. That is an important humanitarian issue with significant consequences for the Security Council's credibility. We welcome the recent news that Belgium



has responded to that call, and we urge other States to make efforts to resolve that persistent problem.

With regard to State cooperation, it should be noted that, although the transfer of cases to national jurisdictions has facilitated the conclusion of the ICTR's work, that will only be achieved in reality when all of its fugitives have been arrested and brought to justice, either through the International Residual Mechanism or in national courts. We trust that Member States will remain united in that common effort.

We congratulate the members of the International Criminal Tribunal for the Former Yugoslavia for their determination and for having adopted measures to maximize the efficiency of their judicial proceedings, while maintaining the strictest levels of procedural fairness. The personal efforts of the President of the Tribunal to prevent delays and to strengthen the Appeals Chamber are particularly noteworthy. We are also pleased that the International Residual Mechanism is now functioning, and, in particular, that the Tribunals have continued to smoothly transfer functions to the Residual Mechanism's respective branches.

The establishment of the International Residual Mechanism ensures that the closure of both Tribunals will not leave the door open to future impunity for the remaining fugitives or jeopardize the trials and appeals that have not yet been concluded. Guatemala believes that the International Residual Mechanism is exemplary in that it strikes a balance between two potentially conflicting requirements: on one hand, the need to respect due process and justice and, on the other hand, the requirement of efficiency and cost effectiveness.

That brings me to my next point, which has to do with cost-benefit estimates with regard to international tribunals. Some delegations have raised doubts about the financial cost and time required to bring a relatively small number of perpetrators to justice. However, the administration of justice cannot be measured in monetary terms alone. Indeed, the rule of law is priceless, and the impact of the tribunals cannot be measured in terms of the number of individuals prosecuted. One must also take into account the tribunals' deterrent effect and the fact that the entire international community now has mechanisms to ensure that justice prevails.

We listened carefully to the concerns raised by the Presidents of the Tribunals with regard to the conclusion of their respective mandates. We share those concerns, particularly with regard to requests for extensions of

the mandates of the judges of both Tribunals, based on the timetable for the conclusion of the work that they have yet to carry out, the details of which were provided in their respective reports. The judges also raised the serious issue of the increasing attrition rate of staff and staff reductions. Clearly, the retention of competent and experienced personnel remains essential for the conclusion of the respective Tribunals' work.

In that regard, we must be consistent. The Tribunals' capacity to successfully carry out their work must be proportional to their existing mandates and the resources allocated to them. Therefore, it is essential to support the Tribunals so that they can independently carry out the mandates that we have conferred upon them. The United Nations should not sacrifice international peace and security, accountability and the strengthening of the rule of law – all hard-won achievements – for budgetary concerns.

Given the fact that one of the Tribunals will soon conclude its mandate and the other will conclude its mandate in the near future, it is timely for us to reflect on the impact that the Tribunals have had, not only in terms of advancing the cause of international criminal law, but also with regard to the universal application of the purposes and principles of the Organization. We hope that further measures can be taken to preserve the legacy of both Tribunals and to facilitate the transfer of the knowledge and experience gained to other jurisdictions.

Finally, we reaffirm our unconditional support for the International Tribunals and the International Residual Mechanism, and urge all States to continue to provide their support until the judicial process has been completed.

**Mr. Sarki** (Nigeria): On behalf of my delegation, I thank you, Sir, for convening this very important debate. I also thank the Secretary-General for transmitting to us the report of the International Criminal Tribunal for the Former Yugoslavia (see A/69/225) and the report of the International Criminal Tribunal for Rwanda (see A/69/206).

The subject under consideration today is closely connected to discussions on the respect for the rule of law, which is enshrined in the Charter of the United Nations and is also a fundamental element of both national and international jurisprudence. I join those who have taken the floor before me to thank the President and Prosecutor of the International Residual

Mechanism for Criminal Tribunals, Judge Theodor Meron and Justice Hassan Bubacar Jallow, respectively, for the report of the Mechanism (see A/69/226), which has provided useful insights to guide our deliberations today.

Nigeria commends the two ad hoc Tribunals for their trailblazing contributions to the development of substantive and procedural international criminal law, and for their contributions to the promotion of the rule of law. Through their work, the international criminal justice system, the fight against impunity and the ability to ensure accountability for genocide, crimes against humanity, as well as war crimes, have been strengthened.

It will be recalled that at the Security Council briefing on 16 April to commemorate the twentieth anniversary of the genocide in Rwanda (see S/PV.7155), the Council adopted resolution 2150 (2014), which calls upon States to recommit themselves to preventing genocide and other serious crimes under international law. The Council affirmed that the prosecution by the ICTR of persons responsible for genocide and other serious international crimes has contributed to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda. Against that backdrop and in the interest of justice, all Member States have a duty to cooperate with the ICTR, the International Residual Mechanism for Criminal Tribunals and the Government of Rwanda in the arrest and prosecution of the remaining nine indicted fugitives.

According to the ICTR report, Member States have intensified their cooperation with the objective of apprehending and bringing to trial, within their national jurisdictions, the Rwandan suspects appearing on the Interpol list of wanted fugitives. That is a welcome development, and we hope that it sends a clear message that perpetrators of mass atrocity crimes will have no place to hide.

Nigeria takes positive note of the progress made by the ICTR in implementing its completion strategy, which has been continuously updated since 2003. The smooth handover of most judicial and prosecutorial functions to the International Residual Mechanism for Criminal Tribunals is an important indication of that progress. We note that the preparation and submission of archives to the Residual Mechanism are major challenges. Nevertheless, we call on the

ICTR to continue to devote attention to the process of transferring those records and archives to the Residual Mechanism. One immutable fact is that the lessons learned in managing the judicial, administrative and prosecutorial functions of an international tribunal are vast, and sharing them will allow current and future international and domestic law practitioners to learn from the successes and challenges that form the legacy of the ICTR.

Concerning the International Tribunal for the Former Yugoslavia, it is significant that there are no more fugitives to be tried and that the Tribunal has concluded proceedings against 141 of the 161 individuals whom it has indicted. That reassures us that the Tribunal has been making progress in completing its mandate to meet the deadlines of the completion strategy. The Tribunal's support to the Residual Mechanism through a variety of processes, including recruitment, communications, information technology support and registry management, is commendable.

However, we are concerned that various factors, including the late arrests of certain individuals and issues that are particular to specific cases, could militate against the efforts to complete some trials and appeals by the deadline of 31 December 2014 and to transfer them to the Residual Mechanism. The General Assembly will therefore have the duty to revisit the subject of the extension of the ICTY judges' terms at some point before the end of this year. We encourage the Tribunal to work expeditiously towards completing the outstanding judicial proceedings, while observing all appropriate procedural safeguards, adhering to the fundamental principles of due process and fairness and ensuring a smooth transition to the Residual Mechanism.

My delegation welcomes the assessment and progress report of the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron, for the period from 16 November 2013 to 15 May 2014 (see S/2014/350). We are satisfied that, in accordance with its mandate, the Residual Mechanism has assumed responsibility for many of the functions of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia. We call on the Residual Mechanism to continue to work closely with the principals and staff of both Tribunals to ensure a smooth transition of the remaining functions and services, and a harmonization and adoption of best practices.

Nigeria is committed to the fight against impunity. We believe that impunity must be addressed resolutely wherever it occurs in the world, and we have instituted various instruments to address that practice. Our belief in the need for global action against mass atrocity crimes and security threats to humankind underpins our ratification of relevant international legal instruments.

*Ms. Rambally (Saint Lucia), Vice-President, took the Chair.*

It is also our belief that the aspiration for a global system based on the rule of law, where accountability and social justice are the foundations for a durable peace, should be a source of inspiration to all. Indeed, that should be a priority for the international community, for world leaders and for citizens.

**Ms. Hamilton** (United States of America): The United States thanks Presidents Meron and Joensen for their reports on the work of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals, as well as for their tireless work in advancing global justice. Reconciliation is not possible without accountability or without truth, and the work of the Presidents and the Tribunals has gone far toward creating reconciliation and lasting peace.

This year, the world marked the twentieth anniversary of the Rwandan genocide. In supporting the creation and work of the International Criminal Tribunal for Rwanda (ICTR), the international community came together to assist Rwanda in its recovery efforts. Today, the work of the ICTR's Trial Chamber is complete, and the Tribunal continues to work hard to pass along its duties to national courts and to the Residual Mechanism. This year, the Tribunal transferred one case to the Rwandan courts for trial and sent a significant portion of its archives to the Residual Mechanism. By the end of this year, the Tribunal's appeals work is scheduled to be completed in all but one case. The Tribunal has prepared a manual of best practices for the investigation and prosecution of sexual and gender-based violence, adding to its already substantial legacy. In that regard, the world can continue its landmark work in prosecuting those unspeakable crimes.

The work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) is just as impressive. Only nine cases remain, and the Tribunal has worked hard to expedite those proceedings without sacrificing due

process and the rights of the accused. President Meron wisely precluded delays by welcoming two additional judges to the Tribunal, thereby reducing the chance that the judges' workload might delay the conclusion of the proceedings. In addition to transferring some of its functions to the Residual Mechanism, the Tribunal has provided information and expertise to national courts in order to facilitate the domestic prosecutions of crimes committed during the wars in the former Yugoslavia, so that the important work begun by the Tribunal will continue after the Tribunal has completed its operations.

The United States also commends the continuing efforts of the Tribunals over the past several years to wind down their operations and transfer their remaining workload to the Residual Mechanism as they progress ever closer to the completion of their historic work. The contribution of the ad hoc Tribunals cannot be overstated. They have made immeasurable contributions to the development of international law in ensuring accountability for genocide, ranging from recognizing rape as a crime against humanity to compiling data on how to prosecute war crimes and crimes against humanity.

Indeed, it is difficult to imagine modern international law today without the contributions of the two International Criminal Tribunals. The very existence of those Tribunals represents the commitment of the international community to keep moving forward, to keep improving our responses to atrocities, and to keep evolving as the human race until such abominable crimes are a relic of the past. The ad hoc Tribunals and the work they have done have not only brought justice to communities torn asunder; they have brought us one step closer to the day when we can look forward and say with certainty, "never again".

**Mr. Zagaynov** (Russian Federation) (*spoke in Russian*): Our delegation would like to thank the Presidents of International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for presenting to the General Assembly the annual reports on the activities of the Tribunals (see A/69/225 and A/69/206, respectively) as well as for the second report of the International Residual Mechanism for Criminal Tribunals (see A/69/226).

We closely follow the progress of the proceedings in the Tribunals and their adherence to the timetables for the completion of their work, as established by Security Council resolution 1966 (2010). We expect that

the leadership of the Tribunals will step up their efforts with a view to accelerating the process as much as possible. Unfortunately, the reports have confirmed that despite the work being carried out, the ICTY and ICTR are veering farther off track from those timetables. A new delay of more than six months is expected in the ICTY *Simatović and Stanišić* case. That postponement, according to the report, is not due to some force majeure but rather to organizational problems as well as an improper assessment of the case.

The appellate decision handed down in January by the ICTY again accentuated problems of fundamental importance for the international criminal justice system, such as ensuring legal certainty and applying common standards of justice to all. We believe that upholding those principles is crucial for the development of international criminal justice and for the legacy of the Tribunals.

With regard to the ICTR, unfortunately, instead of the expected early completion of the proceedings in the *Butare* case, the report announces an additional delay, even if only of a month. We would like once again to caution leadership of the Tribunal against using technical issues to draw out its work. We are aware of the seriousness of the problem of finding States suitable for the resettlement of those who have served their sentences or been acquitted by the ICTR, as well as the complexity of the task of tracking down fugitives. We would nevertheless like to urge the leadership of the ICTR to give priority to the main functions of the Tribunal so that it may complete its work in the near future, within its allocated budget.

We call on the leadership of both Tribunals, as well as of the Residual Mechanism, to take all necessary measures to swiftly transfer to the Residual Mechanism the functions that are not directly related to the proceedings. We expect in particular that the functions relating to the resettlement of persons acquitted by the ICTR in safe countries will be transferred before the end of this year.

The issues raised concerning the timely completion of the work of the Tribunals still need to be considered in detail by the Security Council, in accordance of the provisions of its resolution 1966 (2010) and in the context of the issue of further extending the mandate of the judges of the Tribunals.

In conclusion, we would like to note that it is important that the Tribunals continue to carry out

bilateral work with countries in the relevant regions, and such developments should be strongly encouraged. In that regard, we support the transfer to Serbia of those under its jurisdiction following the judgement of the Tribunal.

**Mrs. Byaje** (Rwanda): I also wish to thank the Presidents of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals for having presented their respective reports (see A/69/225, A/69/206 and A/69/226).

Allow me to recall at the outset that the examination of those reports by the General Assembly comes a few months after the commemoration of the 20 years since the 1994 genocide against the Tutsis in Rwanda, but also a few days before the twentieth anniversary of the creation of ICTR through Security Council resolution 955 (1994). My delegation commends the efforts of both Tribunals to successfully complete their activities and to hand over the remaining activities to the Mechanism, in conformity with pertinent resolutions of the Security Council. We take this opportunity to express our satisfaction over the ICTR's recent judgements in the three cases concerning Édouard Karemera and Mathieu Ndirumpatse, Ildéphonse Nizeyimana, and Callixte Nzabonimana.

We particularly commend the Tribunals for their contributions to international criminal justice, notably through the fight against impunity for genocide and other heinous crimes against humanity and through a rich jurisprudence that will continue to serve international criminal justice. We take this opportunity to recall our strong request, backed by all five States of the East African Community, that the archives of the International Criminal Tribunal for Rwanda be hosted by Rwanda, in order to bridge the distance between ICTR's justice and the victims of genocide.

In relation to the report of the International Residual Mechanism for Criminal Tribunals, we note with satisfaction that both the Arusha branch and the branch located in The Hague are fully operational, and we appreciate the commendable support from the Presidents and key staff of the ICTY and the ICTR. However, we are deeply concerned at the fact that no tangible progress has been registered in the tracking of the remaining genocide fugitives indicted by the ICTR, notably the three key genocide suspects Félicien Kabuga, Augustin Bizimana and Protais Mpiranya.



We therefore take this opportunity to recall the key provision of Security Council resolution 2150 (2014), which in its paragraph 3 calls upon Member States

“to cooperate with the ICTR, the International Residual Mechanism for Criminal Tribunals and the Government of Rwanda in the arrest and prosecution of the remaining nine ICTR-indicted fugitives, and further calls upon States to investigate, arrest, prosecute or extradite, in accordance with applicable international obligations, all other fugitives accused of genocide residing on their territories, including those who are FDLR leaders”.

I must also deplore the controversial acquittals by the Appeals Chamber of the ICTR. Such a stand with regard to the justice system is a matter of great concern and can only contribute to reversing the healing process for survivors struggling to gain a sense of closure.

In relation to the monitoring of ICTR cases referred to national jurisdictions, under rule 11 bis of the ICTR statutes, it is worth highlighting the following point. While the *Uwinkindi* and *Munyagishari* cases, which were transferred to Rwanda in April 2012 and July 2013, respectively, are under trial and pretrial proceedings before Rwandan courts, the *Bucyibaruta* and *Munyeshyaka* cases, which were transferred to France in November 2007, are scheduled to be tried by French courts in 2015 and 2016. We are therefore extremely concerned by the inconceivable delay in the proceedings in the cases referred by the ICTR to France. In that respect, we recall the saying that “justice delayed is justice denied”.

As the ICTR and ICTY have clearly established that genocide had been committed in Rwanda and in Srebrenica, respectively, we hereby reiterate our call on all, including political actors, to fight against the scourge of genocide denial, which is an insult to the victims and an obstruction to sustainable reconciliation. The fight against genocide denial includes, among other things, refraining from the use of terminologies conveying mixed messages, such as “the Rwandan genocide”,

which gives a pretext to revisionists of all kinds, as well as to some scholars from Western countries, to mislead the general public by stating that the genocide that occurred in Rwanda was perpetrated against a national group, Rwandans, killing each other. We call on each and every one to redress the situation and use the terminology established by the ICTR in the *Akayesu* case, and referred to in paragraph 1 of Security Council resolution 2150 (2014), namely, “genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed”.

In conclusion, let me reiterate that while we commend the work of the ICTY and the ICTR, we also urge them to deploy every effort to successfully achieve their mandates, in conformity with pertinent resolutions of the Security Council.

**The Acting President:** We have heard the last speaker in the debate on the agenda items before us.

May I take it that it is the wish of the General Assembly to take note of the nineteenth annual report of the International Criminal Tribunal for Rwanda (see A/69/206)?

*It was so decided.*

**The Acting President:** May I also take it that it is the wish of the Assembly to take note of the twenty-first annual report of the International Tribunal for the Former Yugoslavia (see A/69/225)?

*It was so decided.*

**The Acting President:** May I take it that it is the wish of the Assembly to take note of the second annual report of the International Residual Mechanism for Criminal Tribunals (see A/69/226)?

*It was so decided.*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 71, 72 and 127?

*It was so decided.*

*The meeting rose at 4.55 p.m.*