



General Assembly

Seventieth session

31st plenary meeting
Tuesday, 13 October 2015, 10 a.m.
New York

Official Records

President: Mr. Lykketoft (Denmark)

*In the absence of the President, Mr. Menan (Togo),
Vice-President, took the Chair.*

The meeting was called to order at 10.10 a.m.

Agenda items 76, 77 and 128

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 twentieth annual report of the International Criminal Tribunal for Rwanda (A/70/218)

Report of the International Tribunal for the Prosecution 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-second annual report of the International Tribunal for the Former Yugoslavia (A/70/226)

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General transmitting the third annual report of the International Residual Mechanism for Criminal Tribunals (A/70/225)

The Acting President (*spoke in French*): I give the floor to Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda.

Judge Joensen (International Criminal Tribunal for Rwanda): As I stand before the Assembly today, marking my fourth and final appearance before it in my capacity as President of the International Criminal Tribunal for Rwanda (ICTR), I should like first to congratulate His Excellency Mr. Mogens Lykketoft of Denmark on his election as President of the Assembly. It is with great pleasure that I wish him a successful term of duty. I am also happy to be able to have an active part in furthering the theme of his presidency “The United Nations at 70: a new commitment to action”.

As the United Nations celebrates its seventieth anniversary and as the ICTR passes the torch to the International Residual Mechanism for Criminal Tribunals, we, as representatives of the ad hoc tribunals, can once again reaffirm our commitment to action, to the prevention of atrocities such as those that took place in Rwanda and the former Yugoslavia and continue to reinforce our message to the international community that no longer will such crimes go unpunished.

It remains an immense honour for me to address the members of the Assembly and to present the twentieth and final annual report of the ICTR (see A/70/218). The report details the progress made in the past year towards the completion of the Tribunal’s mandate and the transition to the Mechanism.

I will now begin by providing a brief overview of the work undertaken throughout the reporting period, from 1 July 2014 to 30 June 2015, during which the Tribunal, despite a very high workload, has made significant progress towards the goals of the completion strategy,

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keeping us on track for completion of the remaining judicial work by the end of 2015.

One of the most important accomplishments of the ICTR in completing its mandate is that the Appeals Chamber has now completed its work in all but one case. The sole remaining judgement on appeal in the *Nyiramasuhuko et al. (Butare)* case is expected to be delivered in December. The date of formal closure of the Tribunal is planned for 31 December, shortly after the return of the final appeal judgement. Thereafter, the Tribunal will be comprised of only a small team to complete the required liquidation activities, which are projected to be completed in the first half of 2016.

As we begin to prepare for life after the ICTR, I want to thank the Tribunal's Division of Administrative Support Services, which, among others, continues to play an important role in the significant progress that the Tribunal has made in the ongoing transfer of responsibilities to the Mechanism, while at the same time ensuring the efficient management of the Tribunal's downsizing process and providing assistance to departing staff members.

As the Assembly is aware, the Tribunal has completed its work at the trial level with respect to all of the 93 accused, and since January 2013 its remaining judicial work has been in the Appeals Chamber. During the reporting period, the Tribunal issued three appeal judgements concerning four persons in the *Karemera and Ngirumpatse*, *Nizeyimana* and *Nzabonimana* cases, bringing the total number of persons whose judgements have been completed at the appellate level to 55.

Litigation in connection with the *Butare* case, the Tribunal's final appeal, generated an unexpectedly high volume of motions before the Appeals Chamber during the reporting period. The motions in the *Butare* case, comprised of six defence appeals and one prosecution appeal, were disposed of prior to the oral hearings, which were held from 14 to 22 April in Arusha. Since April the Appeals Chamber has been engaged in intensive deliberations and judgement drafting, the result of which is a plan for delivery of the judgement before 31 December.

Turning to the cases transferred from the ICTR to national jurisdictions, I wish to inform members that there are now four cases pending in national jurisdictions — two in Rwanda and two in France. The function of monitoring the referred cases now rests with the Mechanism. During the reporting period,

however, the Tribunal provided staff to assist the Mechanism with monitoring these four cases. Staff from 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 acted as interim monitor for the cases transferred to France throughout the reporting period. Both have submitted regular reports to the Mechanism, and the ICTR has followed the progress closely and will continue to provide support as required until its closure.

I should like to express my deep gratitude to the staff members from both the Tribunal and the Mechanism who agreed to take on these important roles in addition to their core duties, and to commend them for performing their service as monitors while ensuring that this function did not cause any detriment to their regular workload.

Considering the work completed by the Tribunal during the reporting period, I feel that it is incumbent upon me to take this opportunity to commend the members of the Appeals Chamber, together with the entirety of the staff of the ICTR, for their continued hard work. I should like once more to emphasize that the significant progress made 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. This 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 sincerely hope that Member States will continue to encourage the Secretariat and other United Nations entities to give favourable consideration to applications from qualified ICTR staff members, especially those who remain with the Tribunal until the completion of their contracts.

Despite persistent staffing challenges, the ICTR has made substantial progress in the preparation and transfer of the paper, electronic, and audio-visual records for preservation and management by the Mechanism. This work was done in collaboration with the Mechanism in order to ensure that the records will be easily manageable after their transfer and also accessible to posterity. As of 1 October, the Mechanism

has received approximately 78 per cent of the physical ICTR records, which will be housed in the Mechanism's archives, and the remaining records will be handed over to the Mechanism prior to the completion of the Tribunal's liquidation activities in 2016.

In addition to the inventory and appraisal of the ICTR records, the Tribunal also worked on the redaction of audio-visual records of trial proceedings. These records, which are vital to the ICTR's goal of 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 important, can be used to further empower domestic courts and educate the world on the importance of challenging impunity.

While the ICTR may shortly close, the records generated over the past two decades not only provide an account of the genocide, but also tell the story of the Tribunal and the countless staff members and people from every corner of the world who, along with those involved with the trials themselves, have affected and been affected by the work of the ICTR. As the process of transferring these records moves forward, I especially thank all the staff working on these important projects and commend them on the work they have completed with distinction.

Discussing the transfer from the ICTR to the Mechanism presents an opportune time for me to say a few words about my dear friend and colleague, President Meron. Over the course of the years that we have worked together, I have been impressed by President Meron's energy, perseverance and dedication, especially when one considers that he is balancing the responsibilities of President of the Mechanism and of the International Tribunal for the Former Yugoslavia (ICTY). Together, President Meron and I have been able to foster an environment whereby our two offices work in close collaboration and he has been instrumental in the Tribunal's ability to complete its mandate and transfer its remaining residual functions to the Mechanism.

As I reflect upon our friendship and professional relationship, I note with sadness that this will be the last time that the two of us stand here together and provide our respective briefings to the Assembly. I further note that this will also mark the final briefing by President Meron as President of the ICTY as his second term of office will shortly expire. I wish to thank him on behalf of the entire Tribunal for his service as President of the ICTY, which has included serving as the Presiding

Judge of the ICTR and the ICTY Appeals Chamber, working hard to retain the judicial integrity and highest procedural safeguards, which are paramount to the legitimacy and moral force of the Tribunals.

I will now provide an update on the work of the Office of the Prosecutor. During the reporting period the Office focused on the remaining appeals and providing assistance with other ongoing litigation, supporting the core work undertaken by the Office of the Prosecutor of the Mechanism and compiling various lessons-learned and best practices manuals. As part of its principal litigation function, the Office of the Prosecutor continued to assist the Office of the Prosecutor of the Mechanism with its judicial assignments and was further involved in the reviewing and updating of its disclosure obligations in all the completed cases.

During the reporting period, the Office of the Prosecutor also handed over the responsibility for the tracking of the three remaining fugitives to the Mechanism Office of the Prosecutor and continued to transfer functions and responsibility for the management and preservation of its official records and archives to its Mechanism Office.

The Office of the Prosecutor has also been exemplary in its work on a number of projects related to the preservation of lessons learned and best practices that will be pivotal in shaping the legacy of the ICTR. For example, by creating a best practices manual for the prosecution of sexual and gender-based violence and by providing a manual that identifies the lessons learned from the ICTR Prosecutor's referral of international criminal cases to national jurisdictions, the Office of the Prosecutor has strengthened and will continue to strengthen the capacity of national criminal justice systems to effectively prosecute international crimes. Upon closure, the Office of the Prosecutor will submit a formal closing report to the Security Council, detailing many of the key challenges and accomplishments it has faced over the past 21 years of operation.

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. However, apart from the agreement of Belgium to accept one of the Tribunal's acquitted persons and reunite him with his family in

September 2014, there have been few developments in this area despite tremendous efforts by the Registrar and myself, who worked tirelessly until the end of 2014 to find solutions to this very troubling problem.

While the Mechanism took over the formal responsibility for relocation as of 1 January, the ICTR remains committed to assisting the Mechanism in its relocation efforts until its closure. I once again reiterate that the assistance of all Member States is essential to the Mechanism's ability to relocate these acquitted and released persons, some of whom have remained in Arusha for more than a decade.

More than twenty years ago, in November 1994, the Security Council conferred on the ICTR the task of helping to bring peace and reconciliation to the Great Lakes region through the prosecution of those responsible for the atrocities in Rwanda in 1994. As I stand here today, two decades later and on the threshold of closure, I firmly believe that the Tribunal, along with many others, assisted in rebuilding the trust between the Rwandan people and the United Nations, and that Rwanda, thanks to justice, along with numerous outreach and capacity building programmes, was able to put itself back together.

As we reflect on the work that the Tribunal has accomplished, I recall that November 2014 marked the twentieth anniversary of the creation of the ICTR by the Security Council. To commemorate that occasion, the Tribunal organized events to pay tribute to the victims and survivors of the genocide and to recognize those brave souls who walked into a courtroom, most for the first time, and recalled events that, as former ICTR President Judge Navi Pillay so rightly put, "shocked the collective conscience of mankind".

The events held by the Tribunal included a symposium on the legacy of the ICTR and the Seventh Colloquium of International Prosecutors, and brought together hundreds of scholars and legal practitioners as well as politicians, government officials, international and national prosecutors and judges, and media representatives from across the globe. The Tribunal also held satellite events in December 2014 in The Hague, where its Appeals Chamber is seated, and here in New York, the place of its establishment by the Security Council.

To ensure that the work that the ICTR has done in the wake of the genocide is not forgotten and to ensure that its continued battle against impunity lives on long

after its closure, the ICTR launched a new short film on the occasion of its twentieth anniversary, which is available on the Tribunal's home page. The video has attracted more than 125,000 viewers, renewing public interest in the events that took place in Rwanda in 1994 and reinforcing the message that the Tribunal has given by bringing those accused of the most heinous crimes to justice and, as stated in the film, coming even closer to a time when international law offers justice to all people, everywhere.

It has been said, and I must echo this, that prosecution and judicial decisions alone cannot maintain peace or achieve reconciliation in a region devastated by such violence. In order to ensure that affected communities understand not only the work of the Tribunal, but also the ramifications of the genocide and the lessons learned in the fight against impunity, the ICTR continues to implement outreach and capacity-building programmes and will do so until its closure.

One of the most important initiatives was the creation of the Umusanzu Information Centre in Kigali and the ten additional provincial information centres located across Rwanda. These information centres, which provided library services, legal reference materials, trainings and notifications about ICTR-related activities, played a key role in information dissemination and improved communication and access to the jurisprudence of the ICTR and other legal materials. I am happy to announce that these information centres along with the materials contained within them have been handed over to the Rwandan Government, which has promised to continue to make them available to the Rwandan people.

The ICTR has also engaged in various awareness-raising campaigns and conducted numerous trainings of legal professionals both in Rwanda and throughout Africa. The sharing of developed practices and lessons learned remains a priority for the ICTR. In addition to the best practices and lessons-learned manuals previously referenced, I want to note that the Office of the Prosecutor has also published a lessons-learned manual for the tracking and arrest of fugitives from international justice and, in collaboration with other prosecution offices, created a guide entitled "Prosecuting Mass Atrocities: A Compendium of Lessons Learned and Suggested Practices from the Offices of the Prosecutors".

The sharing of developed practices between the international criminal tribunals and the International

Criminal Court has also been an important initiative launched by the Tribunal in 2013, and it saw significant progress this past year. The goal of these developed practices workshops, two of which were held in The Hague during the reporting period, is to bring together legal officers from the international and hybrid criminal tribunals to discuss and share developed practices and lessons learned. By conducting these workshops and by providing best-practices and lessons-learned manuals, the Tribunal has provided tools for the continued development of international law as well as tools that can be used by national jurisdictions to guide and strengthen their existing judicial systems.

Before I conclude, I should like to mention that an event marking the Tribunal's closure is planned for 1 December, and it is my hope that many of the representatives of United Nations Member States will join us in Arusha as we make ready to pass the torch to the Mechanism while recognizing the Tribunal's two-decade-long pursuit of international criminal justice. In these final months, the focus remains on completing the transition of functions to the Mechanism and on the completion of the sole remaining appeal in an efficient and timely manner without compromising fair trial rights. By January 2016 the Tribunal will be in its liquidation phase and the Mechanism will have fully assumed jurisdiction and responsibility for all residual functions and the archives of the ICTR. As the end approaches, the Tribunal again calls upon the international community to provide it with the necessary support to allow the ICTR to close its doors with a completed mandate.

It remains my honour to address this Assembly one last time. With our mandate nearly complete, I wish, on behalf of the entire Tribunal, to express our gratitude to the Governments of Member States for supporting the work of the ICTR and helping in our collective fight to challenge impunity. However, there is still work to be done. Embracing Mr. Lykketoft's theme of a new commitment to action, and with the support of Member States, I believe that the ICTR's commitment to the development of international law and justice will continue to evolve in a meaningful way and lead to the eventual realization of our goal to end impunity.

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

Judge Meron (International 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 Denmark, in my dual capacity as President of the International Residual Mechanism for International Criminal Tribunals and of the International Tribunal for the Former Yugoslavia (ICTY).

Before I turn to specifics about the Mechanism and the Tribunal, I take great pleasure in congratulating Denmark on its assumption of the presidency of the General Assembly, and I wish it every success during its term of office. I am also extremely grateful for the efforts of the Security Council Informal Working Group on International Tribunals throughout this past year.

Additionally, it is an honour to acknowledge the enormous assistance that both the institutions I lead receive from the Office of Legal Affairs and the Legal Counsel, Mr. Miguel de Serpa Soares, as well as from the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias. Their steadfast support for international justice efforts and institutions are crucial to the success of our work.

Last, but certainly not least, I would like to acknowledge that today marks the final annual report by the President of the Rwanda Tribunal. President Joensen has led that institution over all these years with great competence and integrity. It has been an honour and a privilege for me to serve along with him. I am also very grateful to him for his extremely kind remarks today. I also salute all past and present principals, judges, staff members, and other stakeholders of the International Criminal Tribunal for Rwanda (ICTR) for their remarkable achievements. It is an honour to continue their work through the Mechanism.

In my remarks today I will focus on the highlights of the past year at the Mechanism and the ICTY, identifying both successes and continuing challenges. A more detailed review of these matters is provided in the written reports submitted on behalf of each of the two institutions I represent. I will first turn to the work of the Mechanism.

The past year has underscored once again that the Mechanism stands at the forefront of international justice, demonstrating day in and day out that it is possible, with appropriate organization, infrastructure and leadership, to build on the lessons of the first

modern international courts and to operate efficiently and cost-effectively.

For example, in December last year I presided over the first appeal judgement of the Mechanism, in the case of *Augustin Ngirabatware v. the Prosecutor*. The judgement was delivered without any delays, despite the complex nature of the case, an ambitious schedule, and the fact that all the judges were working on it for no additional remuneration while carrying out their judicial responsibilities at the ICTR and the ICTY. Based on our experience with this case, together with the other complex judicial work the Mechanism is already handling, I am confident that we can replicate this success in future trials and appeals, significantly reducing costs by paying judges only for the time they spend on a case and reducing the time trials and appeals take by increasing the efficiency of judicial processes.

I am also pleased to report that the Mechanism will, by the end of the year, have assumed responsibility for all continuing ICTR functions. Over the next months, final administrative responsibilities, including security and building management, will be turned over on schedule to Mechanism control. We also continue to make great progress in transferring, and preparing for the transfer of, relevant ICTY functions, a process that will be completed with that Tribunal's closure in 2017. This transfer of responsibilities is a tremendously complex process, and one we could not have achieved without the close cooperation of Judge Vagn Joensen, President of the ICTR, as well as the prosecutors, registrars, judges and staff of the ICTR and ICTY. The Mechanism is grateful for their crucial assistance and cooperation.

We are also grateful to States that have concluded or are considering entering into enforcement-of-sentence agreements with the Mechanism. The Mechanism relies on the support of individual Member States to ensure that sentences passed down by the ICTR, the ICTY and the Mechanism itself are carried out, and the assistance of Member States in this regard is invaluable.

As the transfer of the remaining functions continues seamlessly and on schedule, the Mechanism is also focused on three additional challenges over the next year.

The first of these challenges involves the construction of a new home for the Mechanism in Arusha. Progress continues to be made in constructing the premises, and this new facility will ensure that the

Mechanism can operate in Arusha with the necessary security protection, a functioning courtroom, and appropriate areas for archive preservation. In July of this year we held a modest ceremony to unveil the cornerstone for the new building and were honoured by the attendance of the President of Tanzania, His Excellency Mr. Jakaya Mrisho Kikwete. President Kikwete's presence underscored the large-scale support that Tanzania has generously provided to the Mechanism over the years.

The second major challenge we face is the apprehension of the last remaining individuals indicted by the ICTR who are currently fugitives from justice. The ICTY set an important precedent by accounting for all of the individuals it indicted, a remarkable achievement. It is crucial that we ensure that the same holds true when it comes to ICTR-indicted individuals as well. I have full trust in the considerable work that the Prosecutor of the Mechanism is undertaking to apprehend these last fugitives from justice, and I call upon all Member States to cooperate in every way they can with the Prosecutor's Office.

The third challenge facing the Mechanism involves the relocation of certain individuals who were indicted by the ICTR and then subsequently acquitted or released but who are unable to return, or are afraid of returning, to their country of citizenship. The Mechanism assumed the responsibility for the relocation of these individuals at the beginning of this year, and it has adopted a strategic plan to both guide efforts to relocate them and reduce associated costs. The resettlement of these individuals is a crucial challenge for international justice, and I would urge all representatives here today to liaise with the Mechanism on potential relocation opportunities.

Naturally, even while addressing the specific challenges I have outlined, and doing so in the most efficient and cost-effective manner, the Mechanism continues to focus on adopting best practices across a range of areas. To that end, judges of the Mechanism recently adopted a judicial code spelling out the ethical responsibilities of judges and the high standards to which we hold ourselves. We are also engaging with our local, regional and national communities. For example, I recently secured outside funding to allow us to provide training and support to Tanzanian law students and judges, thereby helping to share the Mechanism's resources and expertise with our host State's legal community.

I will end my remarks on the specific activities of the Mechanism by reiterating how grateful the judges, my fellow principals, the staff and I are for the support of the international community, especially our host States, the United Republic of Tanzania and the Netherlands. As we attempt to fulfil our mandate in the best way possible, the support of the United Nations and its Members forms the essential foundation for all our efforts.

I will now turn to the ICTY. I can report that the Tribunal continues to make significant progress in completing the last of its trials and appeals. This year we have already delivered two major judgements: in the very large *Prosecutor v. Vujadin Popović et al.* case involving six appellants, and in the complex *Tolimir* appeal. One more appeal judgement in the *Stanišić and Simatović* case is expected by the end of this year. Only four trials and two appeals will be ongoing as of the beginning of 2016, with two trials completed by the first quarter of the new year, one additional trial and one appeal completed during the remainder of 2016, and the two last cases completed before the end of 2017. Accordingly, the ICTY is expected to complete its operations in about two years.

As the Tribunal completes its remaining judicial work, it is rapidly downsizing and certain essential functions are being transferred to the Mechanism in accordance with the mandate of the Security Council. The Tribunal is committed to completing its work as quickly and efficiently as possible.

Of course, this continued downsizing, as I have previously noted, inevitably has a negative effect on staff morale, as employees of the Tribunal understand that their jobs may soon cease to exist and seek other professional opportunities. In circumstances like these, individuals' understandable search for security can lead — and indeed has already led — to the departure of key drafting team members. Such attrition has already caused delays to case completion. It has been a top priority for me as President to take every possible step to address this risk.

I have been active in liaising with the Registrar and with the Office of Human Resources Management to obtain waivers to regulations that may constrain optimum recruitment and retention. In addition, I am in close contact with the presiding judges of all trials and appeals and have instructed the Registrar to supply all the resources they require in order to fully staff their cases and also to provide for promotion opportunities

that may prevent staff attrition. The Registrar has agreed to meet any request for resources from presiding judges. Adopting that approach will significantly reduce the risk of delays to projected judgement delivery dates.

My remarks today mark the last time I will appear before the Assembly as President of the ICTY. I have been deeply honoured to serve in this position between 2003 and 2005 and again between 2011 and November of this year, having been elected and re-elected by my fellow judges. On a more personal level, I wish to say that, having lived through the Second World War and witnessed some of its horrors as a child, it has been a particular privilege for me to help guide the first of the modern era's international criminal tribunals.

I am well aware that in recent times international courts, including the ICTY, the ICTR and the International Criminal Court, have been the subject of significant criticism. Some of these reproaches can be explained as an inevitable by-product of the tribunals' mandates to try cases of extraordinary dimensions, assessing the evidence before them and individual criminal responsibility without regard to how these verdicts impact on particular political agendas or align with popular sentiment. However, other criticisms, about matters such as the slowness of judicial proceedings and the significant costs of trials conducted at the international level, can often be quite fair.

It is partly because of these latter critiques and the need to address them in a substantive way that I am so delighted and honoured to still serve as President of the Mechanism. As I noted earlier, I believe that this institution is already setting an influential and important example of best practices by preserving and carrying forward the manifest strengths of the existing international criminal tribunals while reducing costs and increasing efficiency.

But even as we dedicate our efforts at the Mechanism to finding new ways to improve our work and our productivity, and to serving as a new and vital model for international justice, we must not let such efforts lead us to forget the ways in which the pioneers of this new age of modern international criminal tribunals, with all of their admitted flaws, have transformed our understanding of, and responses to, grave crimes. As the first of the modern generation of international criminal tribunals, the ICTY and the ICTR stand as inspirational examples of the international community's commitment to ending impunity and promoting the rule

of law. Through their significant corpus of substantive and procedural judgements and decisions, the Tribunals have played a pre-eminent role in broadening knowledge of, and compliance with, customary international law, including, notably, with regard to prohibitions on sexual assault, protections applicable in non-international armed conflicts, and jurisprudence on genocide and crimes against humanity.

In addition, by accounting for every single individual it indicted, the ICTY has struck a blow against impunity that is difficult to equal, its example serving as a stern warning to those who would hope to escape the consequences of their actions. And by giving rise to broader justice efforts, both national and international, the Tribunals have forever altered the global community's response to future conflicts — as well as those present and past — and increased the protections afforded to the most vulnerable populations affected by conflict.

In celebrating these achievements, much credit is due to the judges, the United Nations staff and the attorneys who have worked tirelessly at and with the Tribunals to deliver on and indeed exceed their initial promise. But this credit is, and must be, shared with all the Members of the United Nations. The material, political and many other types of assistance provided by the Member States have been essential to the success of the international criminal tribunals, and they will remain crucial to the efforts to make these courts even more impactful and efficient in years to come. I cannot underscore enough that without the partnership of the Governments represented in the Assembly, none of the accomplishments I have discussed today would have been possible.

Of course, there is a long path to travel until respect for the rule of law is universal and the concept of impunity is relegated to history. But the ICTY, the ICTR and their fellow courts have ushered in a new era of international law in just the past two decades alone — a new era of accountability that would have been almost impossible to imagine even 30 years ago, far less in the dark days of the Second World War. I am confident that with the Assembly's support, international criminal tribunals such as the Mechanism can build upon these achievements in the years to come, serving as harbingers of a world reflecting the highest aspirations of the United Nations.

The Acting President (*spoke in French*): 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 Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania; the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina; and the European Free Trade Association (EFTA) country Liechtenstein, member of the European Economic Area, as well as Ukraine, Armenia and Georgia, align themselves with this statement.

We reaffirm our unwavering support for the work of the International Criminal Tribunal for Rwanda (ICTR), the International 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 increasingly assumes responsibility for all aspects of the two Tribunals' work. We thank President Meron and President Joensen for their reports and commend them for their efforts in completing the work of the Tribunals and advancing the work of 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 (ICC).

We welcome the fact that the ICTR remains on course for closure by the end of 2015, while the closure of the ICTY is foreseen at the end of 2017, and we value the fact that both Tribunals have been taking steps to ensure a smooth handover of functions to the Mechanism. 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 the responsibility of States to cooperate with the Tribunals and the Mechanism, in

particular in bringing those indicted to justice, remains crucial to the ability of the judicial institutions to complete their mandates. With respect to the ICTR, we recall that, despite continuing appeals by the international community, nine accused individuals remain at large, including six whose cases have been referred to Rwanda. The failure to arrest these fugitives is a matter of grave concern.

We note with appreciation the new projects initiated by the Office of the Prosecutor of the Mechanism, jointly developed with the Rwandan authorities, to facilitate the tracking and arrest of the remaining fugitives. We also note with appreciation the support received from INTERPOL and some Member States, including through the War Crimes Rewards Program of the United States. We call upon all States concerned to intensify their efforts and cooperation with the Arusha branch of the Mechanism in order to secure the arrest and surrender of all remaining fugitives. The increased cooperation of Member States is also needed with respect to the efforts deployed by the Mechanism to relocate acquitted persons and convicted persons released in the United Republic of Tanzania.

With regard to the ICTY, we note that at the closure of the reporting period, four trials and three appeals were pending, with all 161 indicted individuals being accounted for. We welcome the fact that the organs of the Tribunal have adopted measures to maximize the efficiency of pending judicial proceedings and to minimize delays caused by the attrition of staff, the ill health of accused persons and unforeseen complexities in some proceedings. We note that the Office of the Prosecutor has acknowledged the assistance it has received from the European Union and its member States, and we will continue to support the Office of the Prosecutor. We welcome the fact that the joint European Union/ICTY Training Project for National Prosecutors and Young Professionals from the former Yugoslavia remains a central component of the efforts of the Office of the Prosecutor to build national capacity in the national justice sectors.

We also note that the Office of the Prosecutor remains satisfied with the level of cooperation between the Office and the authorities in the States concerned. Completing the process of rendering justice for crimes committed during the conflicts in the former Yugoslavia is an essential contribution to lasting peace, accountability and the rule of law. Full cooperation with the ICTY therefore remains an essential condition of the

Stabilization 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 publicly available investigating material and evidence from the Tribunals. In the context of the twentieth anniversary of the genocide in Srebrenica, which was commemorated in July 2015, this is important for the Tribunal's legacy and for strengthening the domestic capacity to adjudicate war crimes. In its Stabilization 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. In this regard, the EU's direct budgetary support to domestic war crimes prosecution, in place since 2013 in some Western Balkan countries, complements the efforts to increase national capacities in tackling the backlog of war crimes cases.

We note that the Office of the Prosecutor continued to promote improved regional cooperation between States of the former Yugoslavia in judicial matters, and we welcome the fact that meaningful results were achieved in this regard, even if key challenges remain. We call on the States of the former Yugoslavia to continue regional cooperation in criminal matters, in accordance with the rules and principles of international law, including international criminal law. We note the serious concerns expressed by the Office of the Prosecutor in the parts of the report addressing national war crimes prosecutions, in particular in relation to the fact that national prosecution offices have not yet fully adopted and implemented strategic approaches to the investigation and prosecution of war crimes, including prioritization of the most complex cases.

We note that the Arusha branch of the Office of the Prosecutor of the International Residual Mechanism continued to monitor progress in cases transferred to national jurisdictions, and that work is ongoing on a number of projects, including a regional training programme on the investigation and prosecution of sexual and gender-based violence. We welcome the fact that the efforts of the ICTR regarding capacity-building, training and education have now expanded beyond East Africa and include the sharing of best practices and

lessons learned with other international tribunals and domestic authorities.

We will continue to support both the principle and the system of international criminal justice, together with its essential role in bringing about lasting peace, accountability and the rule of law, and we call on all States to do the same.

We 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. It is indeed important that knowledge gained and lessons learned in the fight against impunity are not forgotten.

Mr. Norman (Canada): I have the honour of speaking today on behalf of New Zealand, Australia and my own country, Canada (CANZ).

Let me first thank Presidents Meron and Joensen for their reports and their diligence and hard work.

CANZ wishes to take the opportunity to reaffirm its strong support for the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals. During the more than 20 years since their establishment, the Tribunals have developed the practice of international criminal 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. The many achievements and the enormous contribution of the Tribunals towards ending impunity cannot be overstated.

CANZ acknowledges the efforts of the Tribunals as they work towards their completion strategy deadlines, all the while ensuring that fundamental procedural safeguards are met. Significantly, there are no fugitives at large from the ICTY. The Tribunal has concluded proceedings against 147 of 161 indictees. Four trials involving four individuals and three appeals involving ten individuals continue before the ICTY. Decisions are expected before the end of this year in two of the trials.

CANZ acknowledges that staff attrition is an increasing challenge for the ICTY and that the loss of senior staff and their extensive case-specific knowledge has resulted in delays. We encourage the United Nations to look at creative solutions to meet this challenge and

encourage the ICTY to continue in its efforts to ensure that its remaining judicial proceedings are advanced both efficiently and effectively.

The ICTR has completed its work on substantive cases at the trial level for all 93 indictees, including referring ten accused to national jurisdictions for prosecution. Nine fugitives remain at large, three of whom will be tried by the Residual Mechanism if apprehended. The cooperation of States is crucial to the arrest and surrender of these individuals. CANZ welcomes the Tribunal's proactive approach and its commitment to meeting its completion targets.

Without wishing to downplay the significant efforts of the Tribunals' judges, staff members, prosecutors, and defence counsel, CANZ notes that States, too, have a central role to play as facilitators of the Tribunals' important work towards ending impunity. In this regard, we acknowledge that the final apprehension of outstanding fugitives for the ICTY was due in large part to the cooperative efforts of States and the ICTY Prosecutor.

CANZ encourages similar cooperation, including with the Residual Mechanism pursuant to Security Council resolution 2150 (2014), by all States in relation to the nine outstanding fugitives of the ICTR. We must engage in dialogue on options to address the plight of the persons acquitted and released by the ICTR who need to be relocated from Arusha. The Tribunals' work does not end with the delivery of a final judgement. Part of their legacy lies in the ongoing welfare of victims and witnesses, as well as accused and sentenced persons.

(spoke in French)

CANZ wishes to reiterate its support for the December 2010 decision of the Security Council to establish the International Residual Mechanism for Criminal Tribunals (Security Council resolution 1966 (2010), which is integral to ensuring that the rule of law, the practical application of criminal justice, the protection of witnesses and the maintenance of the Tribunal archives continue beyond the completion of the Tribunals' respective mandates. We welcome the fact that the most recent reports of the ICTY and ICTR demonstrate the Tribunals' commitment to ensuring that their remaining activities are effectively transferred to the Residual Mechanism.

The Security Council emphasized that the Residual Mechanism should be a small and efficient structure. For this goal to be realized, close cooperation and

consultation between the Mechanism and the Tribunals is essential, as is cooperation by Member States. CANZ notes the work being undertaken to ensure a smooth transition and to share best practices. We look forward to the results of the 2016 review of the Residual Mechanism.

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

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

Let me first thank Judge Meron, President of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals, and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), for the informative annual reports they submitted to the General Assembly and the Security Council.

We applaud the significant achievements of both Tribunals over the past 22 years, which have included important contributions to the development of international criminal law during that period. In particular, both Tribunals deserve praise for their work in the area of addressing sexual and gender-based crimes. The important achievements of the International Criminal Tribunal for Rwanda should be given special mention at this juncture, as the Tribunal is in its final months of functioning. Closure of the Tribunal is projected for December, and only the liquidation of the Tribunal's assets is expected to continue after 2015. The impact of the ICTR, in both the short term and the long term, has been profound. The same can be said of its impact at the local level and on the international stage.

With the *Akayesu* judgement in 1998, the ICTR became the first-ever international tribunal to convict a person for genocide since the adoption in 1948 of the Convention on the Prevention and Punishment of the Crime of Genocide. With the *Kambanda* judgement, the ICTR became the first tribunal to convict a former head of State for such crimes. In providing a definition of

rape and in recognizing rape as an act of genocide, the ICTR has also been at the forefront of the development of international criminal law. Clearly, its legacy will play an important role in preventing similar atrocities from taking place in the future. We also find particular reason to highlight the legacy of the Office of the Prosecutor of the ICTR, which has contributed greatly to general capacity-building and to the sharing of best practices among practitioners in the field.

At the ICTY, there are now ongoing proceedings for only 14 accused, of which four are at the trial level and ten are before the Appeals Chamber. Work to ensure a continued smooth transfer of the ICTY's functions to the Residual Mechanism for International Criminal Tribunals is continuing. No fugitives are at large. As for other international criminal tribunals and courts, cooperation with national jurisdictions is an important matter for the ICTY. We have noted the important work of the Office of the Prosecutor on this matter, including in support of domestic war-crimes prosecutions.

The International Residual Mechanism for Criminal Tribunals plays a key role in the overall United Nations system in dealing with the crimes committed in the Balkans and in Rwanda, as it is 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. During the past year, the Appeals Chamber of the Mechanism delivered its first judgement. The Mechanism's Registry coordinated a wide range of judicial services, including the protection of witnesses, the enforcement of sentences and collaboration with the Tribunals on the preparation of records and archives for transfer to the Mechanism.

Like the ICTY and the ICTR, the Mechanism depends on the cooperation of national Governments to arrest three of the nine fugitives still at large from the ICTR, who are to be tried before the Mechanism. As United Nations Member States, we are all obliged to cooperate unconditionally and to comply with requests for assistance and orders from the Mechanism. We take this opportunity to encourage all States to intensify their efforts regarding that important matter.

Mr. Orellana Zabalza (Guatemala) (*spoke in Spanish*): I would like to thank the President of the International Tribunal for the Former Yugoslavia (ICTY) and of the International Residual Mechanism for Criminal Tribunals, Judge Meron, and the President of the International Criminal Tribunal for Rwanda

(ICTR), Judge Joensen, for their excellent statements. Their briefings, together with the annual reports of the Tribunals that we have before us, reflect the tireless efforts that the Tribunals have made to successfully comply with their mandates.

With regard to the International Criminal Tribunal for Rwanda, we welcome the important progress made during the past year towards the goals of its completion strategy, in particular with regard to appeals and the transition to the International Residual Mechanism for Criminal Tribunals. The imminent closure of the Tribunal is reason for great satisfaction, and we pay tribute to the President for leaving us a legacy of great legal, political, historical and international value. That represents a success for the Tribunals and a success for the United Nations and the entire international community.

At the same time, much remains to be done before the Tribunal can close its doors. I am referring in particular to the urgent situation of the acquitted or released persons and those who have served their sentences and are living in safe houses in Arusha. That must be a priority, and the Security Council must resolve that issue, since it is a major humanitarian issue with major consequences for the Council's credibility. It seems practical to us for that issue to be dealt with by the Residual Mechanism, and we hope that the strategic plan for relocation, introduced in June of this year in order to find a sustainable solution to the issue, will be successfully implemented.

Let us recall that the cooperation of States continues to be the cornerstone of the Tribunal's ability to conclude its mandate and of the Mechanism's continuing to comply with its residual functions. Although it is true that the transfer of cases to national jurisdictions has facilitated the conclusion of the Rwanda Tribunal, that goal will have been truly reached when all the fugitives have been arrested and brought to justice, either before the Residual Mechanism or before national tribunals. We trust that Member States will continue to be united in that common effort.

We support the holding of an event next month on the occasion of the closure of the Tribunal. Guatemala's full collaboration can be relied on so that the Tribunal can complete its mandate and that the Mechanism will then be able to fully assume jurisdiction and responsibility for the residual functions and archives of the Tribunal.

The main objective of the Tribunals is to punish perpetrators and respond to the victims. In the case of the International Tribunal for the Former Yugoslavia, we see that 161 accused were brought to trial, 80 sentences were passed, and the cases undergoing a first trial and the three pending appeals are well under way. We congratulate the members of the ICTY for their determination to implement the completion strategy. We especially highlight the personal efforts of the President of the Tribunal to prevent delays.

It is fundamental to assist the Tribunal to conclude its work on time. We listened with close attention to the concerns expressed by the President with regard to the Tribunal's capacity to maintain the pace of its work while it meets the timeline for the completion. In recent years we have heard how staff shortages and the loss of staff have affected trials and appeals. We share those concerns, and we hope that the required support will be provided so that the Tribunal can successfully complete its mandate.

We reiterate the risks in conducting a simple cost/benefit exercise in order to measure the degree of justice. The fight against impunity and the determination of the truth are values that justify themselves, especially in such serious situations as those brought before the Tribunals.

In July, 20 years had passed since the Srebrenica genocide. For Guatemala, the commemoration of Srebrenica was important for two reasons: first, for the victims and as a reminder of the situation in which the Balkan region finds itself; and secondly, the role that international criminal justice played and continues to play especially through this International Tribunal.

We are pleased at the progress made in the transition to the International Residual Mechanism for Criminal Tribunals. We welcome the support of both Tribunals to ensure a gradual, effective transition to the Residual Mechanism. The Mechanism has conducted its judicial and other work with remarkable speed, while at the same time upholding the highest standards. It is a model for institutions of international criminal justice.

The Mechanism is also essential because beyond the judicial proceedings, there is a central aspect behind the creation of the Tribunals that we should never lose sight of. I am referring to the promotion of peace and reconciliation. Although the Tribunals have made considerable contributions towards that end, there are other important elements for supporting reconciliation,

such as the appropriate management of archives and assistance to national jurisdictions.

We want the legacy of the Tribunals to be preserved. As the work of both Tribunals draws to its end, there is no doubt that they have established a solid basis for international peace and justice, thanks to their development and application of international criminal law.

Lastly, I wish to avail myself of this opportunity to express our unconditional support for the International Tribunals and the Residual Mechanism and to encourage States to continue supporting those institutions.

Ms. Butts (United States of America): The United States thanks Presidents Meron and Joensen for their reports on the work of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals. Without the diligence and hard work of the Tribunals and their determination to bring justice to the victims of the atrocities committed in the former Yugoslavia and Rwanda, many of those responsible for those atrocities would not have been held accountable for their crimes. Thanks to the Tribunals, the victims of horrific atrocities have received a meaningful measure of justice, and the international community has greatly advanced international peace and security during the past 20 years through the justice and accountability the Tribunals have provided for the atrocities committed.

As the ICTR prepares to close in the next few months, the United States would like to extend its deep appreciation to the Tribunal's many staff members, including judges, prosecutors, support staff, investigators and the defence attorneys, who took care over the past decades to be compassionate with victims, uphold the principles of international law and ensure the legacy of the Tribunal.

Thanks to its hard work, the ICTR concluded all of its trials in 2012 and is close to completing all of the appeals work, with just one appeals judgement in a complex, multi-defendant case to be delivered by the end of the year. Despite difficulties in replacing experienced staff, the Tribunal is set for a smooth and efficient transition to the Residual Mechanism, as well as to national courts, where proceedings against the ICTR indictees who remain at large are set to take place.

We also commend the ICTY for a productive year. Judgements have been issued in two appeals, plus an additional six interlocutory appeals, and progress has been made on the four cases remaining at the trial level. We welcome the efforts by the Trial Chambers to expedite judgements in those cases and to ensure that they are delivered on time. Our appreciation also goes to the Victim and Witness Section, which has provided services to the 206 witnesses who have appeared before the Tribunal and has completed its goal of conducting 300 witness interviews, all the while protecting the integrity of the process and the human dignity of the witnesses. We also express our deep appreciation and admiration for Judge Theodor Meron, who will shortly complete his term as President of the ICTY and whose wise leadership has guided the Tribunal during the last few years.

International criminal law is one of the greatest vehicles we have for promoting peace and justice throughout the world. As the grim events across the world remind us, from Syria to the Central African Republic, South Sudan and North Korea, the challenge of ending mass atrocities is greater than ever, but institutions such as the ICTY and the ICTR are responsible for providing the necessary justice that is owed to victims who have suffered the greatest harm that can be inflicted on humanity — genocide, war crimes and crimes against humanity. By building an extraordinary legal edifice of international criminal accountability, the Tribunals have helped to lay the groundwork for future generations to prosecute violations of international law more efficiently and with a better understanding of the law.

By this time next year, the ICTR will have successfully completed its mandate and will have transferred its remaining workload to the Residual Mechanism. That will mark the end of an era that, combined with the work of the ICTY, has thoroughly advanced international law, showed how international ad hoc tribunals can be successful, and revealed what the international community can do on behalf of the victims of atrocities. And so the United States would like to thank all of those who worked with the ICTR to make it such a successful endeavour.

May the victims in Rwanda and the former Yugoslavia never be forgotten, and may the lessons learned from the ICTR and the ICTY always be remembered.

Mr. Obradović (Serbia): I am very privileged and honoured to speak here today as the representative of the Republic of Serbia. Before I proceed, I should like to welcome Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals, and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), and thank them for their annual reports.

As a European Union candidate country, Serbia aligns itself with the statement made earlier by the representative of the European Union. As Serbia has a very high stake in the ICTY proceedings, however, I feel duty-bound to add a few observations on Serbia's behalf in my capacity as its representative to this meeting.

Serbia remains firmly committed to the principles and system of international criminal justice and its essential role in fighting impunity. It has followed the ICTY activities with great attention and interest, especially those concerning the completion of its long-lasting trials. However, it has seen its grave concerns borne out once again by the failure to determine the date of the rendering of the trial judgement in the *Šešelj* case.

The accused, Vojislav Šešelj, is a citizen of my country. He is the leader of an opposition party with significant right-wing leanings in domestic and regional politics. Charged with serious allegations for crimes against humanity in his alleged role in events that took place at the beginning of the armed conflicts in the former Yugoslavia, he has still not been sentenced. Waiting for the completion of the first-instance proceedings for more than 12 years, he spent 11 years and 8 months in United Nations detention. Even the Trial Chamber raised concern in his case when it said that the "very long provisional detention ... as time went on, became more and more irreconcilable with the presumption of innocence and the guarantees of a fair trial".

By an order of 6 November 2014, issued on humanitarian grounds, the accused was provisionally released and transferred to Serbia, where he is receiving therapy for a life-threatening disease. His case is an example of the failure of the international criminal judiciary to fulfil its highest purposes and ambitions.

Meanwhile, Serbia continues to be firmly committed to cooperating with the Tribunal and has

done its best to fulfil its international obligations. The satisfaction of the Office of the Prosecutor with the level of cooperation shown by Serbia has been expressed in the ICTY report. Serbia, for its part, continues to give its full support to the efforts being made by the President, the judges, the Office of the Prosecutor and the Registry aimed at completing the activities of the International Tribunal in preparation for the transition to the Residual Mechanism. We trust and believe that the transitional process can be carried out without any negative effect on the procedural rights, either of the accused persons or of the victims.

At the domestic level, I am glad to inform the General Assembly that the Serbian judiciary continues to investigate, prosecute and try persons suspected of committing the worst atrocities in the 1990s. The draft national strategy on war crimes issues will be published at the end of this year. That document will contain a road map for the future activities and improvements needed in that field with regard to both domestic trials and regional cooperation. The Government of the Republic of Serbia firmly believes that the domestic prosecution of the core international crimes committed during the armed conflicts of the 1990s is one of the most important steps in the process of reconciliation, as well as for the development of good neighbourly relations and lasting peace in the region of the former Yugoslavia.

Furthermore, the efficient prosecution of war crimes is a precondition for the full democratization of our society through the affirmation of the rule of law and respect for the principles of humanitarian law, which are the cherished achievements of modern humankind. It is a joint duty for all of the countries of our region to investigate and prosecute persons responsible for the most serious crimes, including those committed in Srebrenica, Sarajevo, Vukovar, Knin, Kosovo and Metohija or anywhere else in the former Yugoslavia. Those proceedings must be conducted without any discrimination on the basis of the national, ethnic or religious origin of either the perpetrator or the victim.

However, Serbia cannot be satisfied with the manner in which that goal is being achieved. On the international level, we have noted that in almost all major ICTY cases in which the victims were groups or individuals of Serb ethnicity, the accused were acquitted. We were led to believe that remedies for such imbalances could be found in proceedings before national courts. Yet that has not been the case. Although,

for instance, both the ICTY and the International Court of Justice have recognized that the civilian population of Serb ethnic origin was exposed to random murders during and after Croatia's military Operation Storm in 1995, only one person in that country has been finally convicted for the war crime of murder so far.

Nonetheless, the ICTY report deals readily with the trials in Serbia and in Bosnia and Herzegovina, but not in Croatia. At the same time, Croatia denies the jurisdiction of Serbian judicial bodies to prosecute war crimes committed in the territory of another country. What is that, then, if not an attempt to establish impunity for its citizens? A similar selective approach has become ever more visible in Bosnia and Herzegovina, and the failure to prosecute Kosovo Albanians for war crimes has been clearly recognized by the establishment of a new internationalized judicial mechanism to prosecute such cases.

Through its cooperation with the ICTY over the past 15 years Serbia has made a significant contribution to the system of international criminal justice. Yet we did not expect that justice would remain selective. Serbia fully supports that part of the ICTY report in which the States are called upon to improve regional cooperation in that field. Moreover, we believe that in the interests of international justice, a mechanism is needed for strict and constant international monitoring of such cooperation. My country has nothing to hide, and we expect other Governments to take the same approach.

Another open question for Serbia in that process is the overall humanitarian status of its citizens who have been convicted by the ICTY and are serving sentences in various countries under differing penal regimes and treatment programmes. While international criminal law has been highly developed by the ICTY case law, it is true that international penology does not exist today, as such.

It must be noted that the United Nations has done almost nothing in that field. The first results of the research conducted into that issue show that the convicted persons, most often politicians, army generals and other Government officials, have not been accorded any special treatment reflective of the specific nature of their responsibility. Many of them serve their sentences in penitentiaries that are thousands of kilometres away from their countries and their societies. They do not understand the language or the culture of the prison community. And, as stated in the reports of the

International Committee of the Red Cross, they do not receive regular visits by their families. It makes them doubly isolated — from outside society and from prison inmates.

Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

They also frequently protest the medical treatment that they receive, most often because they don't understand the medical standards of the societies in which the prisons are situated. They also do not have legal aid conforming to the specific international judicial procedure under which they have been convicted. For that reason, in 2009 Serbia asked to sign the agreement on the enforcement of ICTY sentences in order to be added to the list of countries in which the sentences are enforced. But, even though my country is a party to such an agreement with the International Criminal Court, its request to the United Nations with respect to that matter has never been properly attended to. The failure to address those questions and provide a response to the request has had a negative effect on the general attitude of Serbian society towards the ICTY, its work and its legacy.

Mr. Manongi (United Republic of Tanzania): At the outset, the United Republic of Tanzania reaffirms its strong support for the International Criminal Tribunals for Rwanda and the former Yugoslavia and the International Residual Mechanism for Criminal Tribunals and wishes to extend its appreciation to Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), and to Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, for their briefings today. We note with gratitude the progress achieved in the activities of the Tribunals during the period under review.

The United Republic of Tanzania acknowledges the efforts of the ICTR and the International Tribunal for the Former Yugoslavia (ICTY) to implement their completion strategies. We are gratified that the Residual Mechanism has now assumed responsibility for many functions. While the transition is going well, some critical work remains to be done. We are pleased to note that the formal closure of the ICTR is on track for 31 December, with only liquidation activities remaining.

However, as the closure of the ICTR approaches, we must remain mindful of the plight of the persons

released or acquitted by the Tribunal, who deserve relocation as a legitimate entitlement of law and justice. We are pleased to note that, in the bid to implement its completion strategy, the ICTY has continued with the process of downsizing its operations and the transfer of responsibilities to the International Residual Mechanism. The fact that only seven cases — four trials and three appeals — remain demonstrates the Tribunal's commitment to completing its mandate expeditiously and in accordance with due process. My delegation calls for the same levels of support at their closure as we provided at their inception.

We also commend the support rendered by the Legal Counsel and the Office of Legal Affairs of the United Nations Secretariat, as well as the Security Council Informal Working Group on International Tribunals, in ensuring the continued smooth transition of the Tribunal's functions to the Residual Mechanism.

Last year the Tribunal marked its twentieth anniversary, and as it prepares to close its work by this year's end, it would be remiss on our part as a host country if we failed to recognize the great legacy that the Tribunal has left to international criminal law in the region and the international community. The Tribunal has not only enriched jurisprudence and law practice through its seminal work but has also served as a research, learning and educational hub for universities, colleges, high schools and local and international courts in the area of international criminal law.

Throughout its existence the ICTR has sustained its efforts to transfer expertise and information to national and regional authorities with a view to building capacity in national criminal justice sectors. It has also shared the lessons learned and best practices developed from its work with national counterparts. That has added great value to international judicial practice not only in the region but worldwide.

The report of the Residual Mechanism (see A/70/225) reflects its tireless efforts to develop a structure to govern its activities, mindful of the need to develop rules, procedures and policies that harmonize and build upon the best practices of both the ICTR and the ICTY. We are pleased to note that the Residual Mechanism has continued to operate from its two branches in Arusha and in The Hague. It is commendable that, as the Tribunals complete their work and progressively downsize their operations, the Mechanism is gearing up and relying less and less on

the support services of the two Tribunals and continues the process of establishing its own small, standing administration.

Obviously, the common administration of the two branches located in two continents poses unique challenges. We urge the Residual Mechanism to be sensitive to its operational costs, with a view to discharging its mandate fully and efficiently. We also call on the Mechanism to continue to work closely with the Tribunals' principals and staff so as to ensure a smooth transition of the remaining functions.

As we commend measures taken by the Residual Mechanism and the two Tribunals consistent with their transitional arrangements, we wish to renew the appeal to the international community to continue cooperating with both the Mechanism and the Tribunals to ensure the arrest of the remaining fugitives and the timely reallocation of acquitted persons and those who have completed their sentences. In the meantime, the Government of the United Republic of Tanzania will continue to extend the necessary support to the Mechanism and the Tribunals.

The practical arrangements made by the Secretary-General pursuant to Security Council resolution 1966 (2010) to ensure that the operations of the Residual Mechanism commence are, in our view, quite admirable. It is our firm conviction that, with the active steps taken by the Secretary-General and the support of Member States, the resources necessary to implement the projects must be approved and dispersed so that the premises for the Arusha branch of the Mechanism will be completed in a timely manner and occupied as planned.

For our part, the Government of Tanzania has provided the necessary infrastructure, including land commissioned by His Excellency President Kikwete early this July. We have also provided access roads and electricity and have nearly completed the provision of water and other services, including cable connections for the Internet.

In closing, we wish to commend the ICTR, its judges and staff for their dedication and commitment. We also want to reiterate our sincere appreciation to the international community for the trust and confidence bestowed upon Tanzania to host the ICTR for the past 20 years since the tragedy of the genocide in Rwanda. The establishment of the ICTR and the ICTY was a sad reminder of the worst instincts of the human being. It

must also be a reminder that “never again” must mean what it says, and not “again and again”.

Mr. Gorostegui Obanoz (Chile) (*spoke in Spanish*): Chile wishes once again to acknowledge the work of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as the International Residual Mechanism for Criminal Tribunals, aware of their significant contributions to international justice and the progressive development of international law since the creation of the Tribunals. We are grateful to the Presidents of the Tribunals for their leadership, and through them we thank the Prosecutors, Registrars and all those who have served the Tribunals, which are already considered to serve as a model in the fight for accountability and for ending impunity.

We welcome with great satisfaction the news that the work of the International Criminal Tribunal for Rwanda will conclude in Tanzania in December. Chile reiterates the need for international cooperation so that a solution can be found, both for the 11 acquitted individuals who are still in safe houses in Arusha and need to be relocated, as well as for the nine indictees who are still at large, six of them under the jurisdiction of Rwanda and three under the jurisdiction of the Residual Mechanism.

In the case of the International Tribunal for the Former Yugoslavia, which is scheduled to close in 2017, while we understand there are still some pending challenges for its completion strategy, we are confident that all members of the international community, in particular the Security Council, will provide the support needed for it to fulfil its mandate and to ensure the proper functioning of the Residual Mechanism with regard to both Tribunals, as has been the case so far.

Lastly, we encourage the development of best practices in international criminal justice for all Members of the United Nations, and we advocate appropriate support for and implementation of the principles of universal jurisdiction and complementarity.

Mr. Drobnyak (Croatia): Croatia aligns itself with the statement delivered earlier by the observer of the European Union. In addition, I should like to add several remarks in my national capacity.

Allow me to commend the Presidents of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), Judges Meron and Joensen, on their

work and their continued efforts to ensure accountability and promote international criminal justice. As always, they can count on Croatia’s continued and unwavering support. Croatia stresses the importance of the completion of the remaining ICTY trials in the cases of *Karadžić*, *Mladić*, *Šešelj* and *Hadžić*, and we encourage the Tribunal to maximize its efforts in that regard.

Together, the ICTY and the ICTR represent a breakthrough in the development of international criminal law, in improving international criminal procedure and in narrowing the impunity gap. The voices of the victims are being heard, and historical records established. That in itself is not a small achievement. The two Tribunals have set high standards of responsibility for war crimes, crimes against humanity and genocide. And, equally important, they have paved the way for the creation of the International Criminal Court, which Croatia strongly supports.

Allow me to make a brief comment on the subject of Vojislav Šešelj, who is notorious for his war-mongering and was indicted by the ICTY for war crimes and crimes against humanity. He was provisionally released for humanitarian reasons, as provided by the Rules of Procedure and Evidence. Upon his return to Serbia, Šešelj continued with his inflammatory speeches and provocations. The fact that this indicted war criminal recently appeared in a television reality show is something that defies any legal logic and moral comprehension. As we said in the Security Council debate — and I will repeat it again today — it is utterly unacceptable and insulting.

Croatia believes that international and regional cooperation in criminal matters, when pursued in accordance with the basic principles and rules of international law, including international criminal law, represents a sound basis for the successful investigation, prosecution and punishment of the perpetrators of core international crimes.

As regards universal jurisdiction, a powerful subsidiary tool for ending impunity, a State implementing universal jurisdiction needs, first and foremost, to observe its universal character. At the same time, a State implementing universal jurisdiction should also fully respect the principle of subsidiarity and implement it in good faith, in a reasonable, predictable and responsible manner and in accordance with all the applicable rules and fundamental principles of the various fields of international law and international comity.

In that regard, we encourage Serbia to introduce in its legislation universal jurisdiction for core international crimes in its proper form and to follow the aforementioned principles for its implementation. Serbia's current legislation — the Law on the Organization and Competences of Government Authorities in War Crimes Proceedings — is, unfortunately, neither universal, since it applies only to a specifically defined number of neighbouring States, nor subsidiary, since it applies irrespective of the basic principles for the application of universal jurisdiction. Serbia's legally flawed precedent — no other State has ever extended or attempted to extend its criminal jurisdiction in such a manner to only a limited number of its neighbours — hampers not only the desired regional cooperation but, ultimately, also its main purpose, namely, the effective fight against impunity.

A genuine commitment to ending impunity for the most serious violations of international humanitarian law can take various forms — in this case, for example, by applying the principle of active personality, since most of those accused of such crimes are Serbian nationals. Far less often, in those cases involving nationals of Serbia's neighbouring countries, the proper application of the existing mutual assistance mechanisms between States in criminal matters — and in particular bilateral agreements and acts in force, as well as international comity — is more than sufficient.

As has already been stated in previous debates on this pivotal matter, the important legacy of the ICTY is not entirely without flaws. Nevertheless, that should in no way tarnish the Tribunal's historical record but should rather serve as an important lesson to be learned for the benefit of international criminal justice in the future.

In conclusion, I should like to reiterate Croatia's indisputable support for the work of the Tribunals. The work of the ICTY is not over yet. Some of the indictees most responsible for war crimes are still waiting for a verdict to be brought down in their cases. It has been said many times that justice delayed is justice denied. A speedy trial resulting in a court decision, a conviction or an acquittal, represents not only one of the most essential rights of the accused, but is also an equally essential right of the victims. So we hope that the verdicts and justice still pending and long overdue will be served soon.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): I would like to thank the leadership of the

International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for the annual reports on their activities (see A/70/226 and A/70/218, respectively) submitted to the General Assembly and also for the third report of the International Residual Mechanism for Criminal Tribunals (see A/70/225).

We acknowledge the information provided by the leadership of the Tribunals and the Residual Mechanism on the progress of proceedings, the rates of their completion processes, and their conversion into the Mechanism. We are paying close attention to that information, given that, as is well known, neither Tribunal has been able to complete its work in accordance with the timelines set out in Security Council resolution 1966 (2010). In the light of that fact, we welcome the confirmation that the Rwanda Tribunal, although its closure has been delayed, will close by the end of this year.

At the ICTY the situation remains more complex. Having analysed the report, we have become even more convinced that that Tribunal has the potential to further reduce the duration of its proceedings. However, in spite of the urgent appeals to the Tribunal to redouble efforts in that area, in Security Council resolution 2193 (2014), the expected reduction has not occurred. That state of affairs is unacceptable.

Staffing problems, to which we again see references in the ICTY report, are hardly adequate to explain the situation. Indeed, there is an objective need to replace workers with new staff members, but we believe that it is quite possible to arrange the transfer of cases without causing harm to the quality and speed of the work. Other reasons for new delays, which are referred to in the report, are also difficult to call force majeure.

We would like to comment separately on the situation of the accused individuals who have serious health issues. The Trial Chambers and the Office of the Prosecutor of the ICTY could think about how necessary and realistic it is to continue such trials. In that connection they could take the appropriate decisions, bearing in mind humanitarian considerations. We hope that, in the near future, the leadership of the ICTY will be able to correct the situation and avoid new delays, as well as reduce the projected time periods needed to wrap up the trials. The progress achieved on that issue still needs to be considered in the coming months by the Security Council.

We are still cautiously optimistic concerning the work of the Residual Mechanism. During the reporting period, its first ruling was handed down, and there has been progress in performing other functions not completed by the Tribunals. We expect that the Mechanism will show maximum efficiency in its activities, given the temporary nature of its mandate established by Security Council resolution 1966 (2010).

In that context, the review of the Mechanism's activities over its first four years — which the Security Council is to complete by 1 July 2016, in accordance with paragraph 17 of its resolution 1966 (2010) — is of great importance. There will be a serious analysis of the situation in the Mechanism, in connection with which the review should be conducted in conformity with the directives of the resolution and the objectives set out therein.

Mr. Sana (Rwanda): I too thank Judge Meron and Judge Joensen for their presentations. At the outset let me acknowledge the important progress made by both Tribunals towards their completion and transition to the Mechanism.

As the International Criminal Tribunal for Rwanda (ICTR) is winding down, we express our belief that it plays an important role in the fight against impunity for mass atrocities, but that it also produced a substantial body of jurisprudence, including a definition of the crime of genocide, crimes against humanity and war crimes, as well as support responsibility. Most importantly, the Tribunal established that the genocide that occurred in Rwanda was committed against the Tutsi as a group and also ruled that acts of rape and sexual violence constituted a crime of genocide if committed with the intent of destroying the targeted group.

Despite the progress made, much more still needs to be done. As we look forward to the conclusion of the *Butare* cases by the Appellate Chambers, which were delayed unnecessarily, we note that the 93 individuals indicted for genocide were mainly the masterminds of those crimes, as well as national and local leaders, who were out of reach of Rwandan justice as they were international fugitives. We regret, however, that nine fugitives, among them the well-known Félicien Kabuga, are still at large, and we reiterate our call to Member States, especially those in our region, to collaborate in ensuring the arrest of all remaining genocide fugitives, as per Security Council resolution 2150 (2014).

Regarding the monitoring of the four cases referred to national courts, we regret that the report under review, as well as the oral presentations made today, do not provide enough details on the state of those cases. While the procedures in the two cases referred to Rwanda in 2012 and 2013 are well advanced and on the right track, we are extremely concerned at the delays encountered in the investigation into the two cases referred to France in 2007. We especially regret and express our deepest disappointment at the announcement of the dismissal on 2 October this year of the case against Wenceslas Munyeshyaka. The diligence with which Germany, on the other hand, has tried the case of the Rwandan leaders of the genocidal militia, Forces démocratiques de libération du Rwanda, is exemplary.

On many occasions Rwanda has expressed its view that the ICTR archives, although the property of the United Nations, should be transferred to Rwanda upon completion of the Residual Mechanism's mandate. Indeed, the ICTR records constitute an integral part of Rwandan history and are vital to the preservation of the memory of the genocide. They will play a critical role in preserving current and future generations from genocide, denial and revisionism. We hope that all stakeholders will understand our request and act accordingly.

I should like to conclude by again thanking the ICTR and ICTY for their efforts to ensure justice and accountability for the most serious crimes. We hope that the Residual Mechanism will, with the support of the international community, be able to arrest the remaining fugitives and bring them to justice.

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 Assembly to take note of the twentieth annual 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 (see A/70/218)?

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-

second annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (see A/70/226)?

It was so decided.

The Acting President: May I take it that it is the wish of the Assembly to take note of the third annual report of the International Residual Mechanism for Criminal Tribunals (see A/70/225)?

It was so decided.

The Acting President: As this stage of the work comes to a close, I should like to express my sincere gratitude to Judge Vagn Joensen for his service in the International Criminal Tribunal for Rwanda, and to Judge Theodor Meron for his service in the International Tribunal for the Former Yugoslavia.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 76, 77 and 128?

It was so decided.

The meeting rose at 12.15 p.m.