



STATEMENT

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The Hague, 1 July 2013

Remarks of President Theodor Meron

Opening of the Hague Branch of the Mechanism for International Criminal Tribunals

1 July 2013

Excellences, Chers Collègues, Mesdames et Messieurs,

Je suis heureux de vous accueillir ici aujourd'hui pour l'ouverture du Siège à La Haye du Mécanisme pour les Tribunaux pénaux internationaux communément appelé Mécanisme.

Excellencies, Colleagues, Ladies and Gentlemen:

I am delighted to welcome you here today to the opening of the Hague branch of the International Residual Mechanism for Criminal Tribunals, commonly known as the Mechanism for International Criminal Tribunals or, simply, the Mechanism.

I would like to extend a warm welcome to the Minister of Security and Justice of the Netherlands, Mr. Ivo Opstelten, and to the Mayor of The Hague, Mr. Jozias van Aartsen. As our Host State, the Netherlands has long played an invaluable role in facilitating and supporting the work of the ICTY, and I look forward to an equally strong and productive relationship between the Mechanism and the Netherlands in the years to come. As for the City of The Hague, Mayor van Aartsen has not only been taking steps to make the collection of international courts and other international institutions based here more of a community, but in introducing this community of extraordinary institutions to the world stage.

I would also like to thank my fellow principals of the Mechanism, Mr. Hassan Bubacar Jallow and Mr. John Hocking, for being with us today. I am also very grateful to Mr. Serge Brammertz, the long-serving Prosecutor of the International Criminal Tribunal for the former Yugoslavia, for joining Mr. Hocking and me in marking this occasion in our roles as representatives of that Tribunal. And I would like to acknowledge the presence of my valued colleague, Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda, who is also with us today.

As for our keynote speaker, I am honoured to welcome Ms. Patricia O'Brien, Under Secretary-General for Legal Affairs and the Legal Counsel of the United Nations, who is joining us on behalf of the Secretary-General. We were very fortunate to have Ms. O'Brien with us just a few weeks ago to mark the 20th anniversary of the ICTY, and her return today is not simply a sign of her own deep and abiding commitment to the rule of law and to the work of international criminal tribunals, but also the commitment of the Secretary-General himself in this regard. Ms. O'Brien has long been a strong supporter of our work, and I am very glad she is with us today.

Finally, I wish to pay special tribute to the Judges and staff of the ICTY, the ICTR, and the Mechanism who are with us today to mark this special occasion. Without the tireless efforts, tremendous talents, and keen sense of commitment of those of you who serve at the ICTY and the ICTR, none of the work of these first two pioneering international criminal courts would have been, or would continue to be, possible. As the Mechanism assumes responsibility for core functions of the ICTY today—as it did a year ago with respect to the ICTR—it is important to acknowledge that the legacy that it will take up is very much the legacy that all of you, and those who came before you, helped to create. It is a legacy of which all of us should be, and are, very proud. I thank you for all that you have done, and all that you will continue to do in the future.

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It is easy to use terms like “ground-breaking” and “pioneering” to describe the ICTY today. But twenty years ago, when the Tribunal was established, it was little more than the kernel of an idea, an institution that existed on paper and nowhere else. We should never forget the challenges faced in making the Security Council’s vision for the first truly international criminal tribunal into a reality—and the difficult questions the Tribunal’s Principals, Judges, and staff had to address.

What rules of procedure and evidence were required by an institution that sought to meld together different legal traditions to conduct trials and appeals, the likes of which the world had not seen in nearly a century? What practical processes and resources were required to run a functioning criminal court operating in a multitude of languages? How would witnesses be brought to The Hague to give testimony? How, for that matter, would witnesses and possible victims be identified in the first place—and, more importantly, how could and would the Tribunal assure their protection to encourage them to come forward and let their voice be heard?

These, of course, were not the only challenges the Tribunal faced early on. Buffeted by criticism from many sides, the Tribunal struggled to elicit the cooperation from States which is so vital to the functioning of an international criminal court—vital not only to obtaining documentary evidence and conducting investigations, but to the fundamental issue of locating, arresting, and transferring indicted individuals to the Tribunal so that they may stand trial. Without police powers, the Tribunal faced challenges in asserting its authority to issue orders requiring State compliance. And without a separate judicial infrastructure on which it could rely or a prison system of its own, the Tribunal had to construct legal aid schemes and find solutions for how and where its sentences could be enforced.

The fact that the ICTY has succeeded in finding innovative and effective solutions to all of these challenges—and many more—is a testament to the tremendous ingenuity and dedication of those Judges, Prosecutors, Registrars, and staff members who served so ably at the Tribunal during its early years. And it is a testament to the commitment of our Host State, the Netherlands, and to the many other members of the international community whose ever-increasing cooperation and support have helped to bring the Security Council’s vision for an ad hoc international criminal tribunal into reality.

The Mechanism, as it commences operations here in The Hague today, does not face the same challenges that the ICTY confronted in its early years. This is not only because the Mechanism can look to the ICTY and the ICTR as models for its own operations; it is also, and more importantly, because the Mechanism is able to turn to and rely upon the people behind these institutions—the Principals, the Judges, and the truly phenomenal staff—and to benefit from their experience and expertise. Indeed, we are truly fortunate that the great majority of the Mechanism’s own staff have joined us from either the ICTY or the ICTR.

To be sure, the Mechanism is a different type of institution than either of its forerunners. It is, by design, quite small and lean, mandated to undertake a limited number of core functions previously carried out by the ICTY and the ICTR. Its Judges, with one exception, do not work for the Mechanism full time. While the Mechanism will hear appeals, if any, in certain ongoing ICTY cases, it is expected to have a limited caseload going forward. The Mechanism, in short, will never be the lion on the international stage that the ICTY has been.

But the Mechanism nonetheless has a tremendously important role to play. It is here—and will continue to be here—to ensure that vital protective services continue to be provided to victims and witnesses; that the evidence gathered by the first two international criminal tribunals of the modern age will continue to be available to national authorities and others, as appropriate; and that those individuals who have been convicted by the ICTY or the ICTR will have an institution to which they may address petitions for early release.

The Mechanism is here to ensure that the closure of the ICTY and the ICTR in the years ahead does not open the door to impunity for those fugitives indicted by the ICTR who have yet to stand trial and whose cases have not been referred to national jurisdictions.

The Mechanism is here to ensure that appeals still to come will have a place to be fairly and conscientiously heard, that requests for review of judgements may be determined, that the responsibilities of both the ICTY and the ICTR with regard to the accused and the convicted, the victims and witnesses who have come before them over the past twenty years will continue to be met.

The tides of public opinion may shift and sway, but the foundations built by the ICTY and the ICTR for the modern approach to international criminal justice remain unshakeable. These two Tribunals have demonstrated that a shared commitment to accountability can and will win out over impunity, that heinous crimes can be punished, whoever their architects may be—and that principled justice, fair and impartial justice, is the only way to uphold the rule of law.

It is on these strong foundations that the Mechanism itself can now rise up and take its place among the international institutions here in the International City of Peace and Justice.

In my role as both the President of the ICTY and the President of the Mechanism, I thank all of you again for joining us to mark this special occasion today.

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