



STATEMENT

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PRESIDENT

The Hague, 14 October 2013

**Address of Judge Theodor Meron
President of the International Criminal Tribunal for the former Yugoslavia
And
President of the International Residual Mechanism for Criminal Tribunals
to the United Nations General Assembly
14 October 2013**

Mr. President, Your Excellencies, Ladies and Gentlemen,

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

Mr. President, I congratulate you on your country's assumption of the Presidency, and wish you the very best as you assume the responsibilities that come with that role.

Today, I am pleased to present both the 20th Annual Report of the International Criminal Tribunal for the former Yugoslavia and the first Annual Report of the International Residual Mechanism for Criminal Tribunals, which is the successor institution to both the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia.

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Please allow me to begin with a brief overview of the continued work of the ICTY in the fulfilment of its Completion Strategy.

Since my last annual report to the Assembly, the Tribunal has continued its focus on completing proceedings as soon as possible, and it has rendered more judgements in the year ending 1 August 2013 than in almost any previous reporting period. More specifically, the Tribunal rendered five trial judgements, three judgements on appeal, a judgement on appeal from an acquittal pursuant to Rule 98 bis of the ICTY's Rules of Procedure and Evidence and four judgements in contempt cases.

Currently, the ICTY has four cases at trial and seven cases pending on appeal from judgement. I note that the Appeal Judges of the ICTY are also Appeal Judges of the International Criminal Tribunal for Rwanda, and in that capacity have an additional six cases presently on appeal from judgement before them, as my dear friend and colleague, President Joensen, will inform you in a few minutes.

With respect to the ICTY's ongoing trials, our current estimates foresee two trials, in the Karadžić and Hadžić cases, being completed in 2015 and one trial, in the Mladić case, concluding in mid-2016. In the Šešelj case, which was previously expected in October 2013, the defendant filed an application for disqualification of one of the Judges in his trial. A panel of Judges which was appointed to consider the application upheld this application by majority. Further decisions in this case are forthcoming, and I hope to provide more details in my November report to the Security Council.

Any appeals from judgement in the four trials just discussed will come under the jurisdiction of the International Residual Mechanism for Criminal Tribunals rather than the jurisdiction of the ICTY, in accordance with Security Council resolution 1966 of 2010.

Turning to the ICTY's seven appeals, it is currently anticipated that appellate work on all but one case should be completed by early 2015. Appeal judgements in the Đorđević case and in the multi-accused Šainović case are expected by the end of this year, and another four appeal judgements are expected by early 2015. The one remaining appeals case, that of Prlić et al., involves six accused and is not forecast to be completed until mid-2017.

Although the completion of the ICTY's remaining judicial work and its ultimate closure are thus still some time away, the Tribunal continues to take steps to effect the institution's orderly and efficient closure.

Among other measures, the Tribunal has developed a consolidated, comprehensive plan to facilitate the completion strategy of the Tribunal and the transfer of relevant responsibilities to the International Residual Mechanism for Criminal Tribunals. The guiding principle is that, as judicial activity is completed, staff will be downsized, facilities will be released, and physical assets disposed of. These progressive steps will ensure that the Tribunal's closure is effected as quickly as possible while not impacting the substantive responsibilities of the Tribunal or its ability to complete its mandate. Of course all these steps will be undertaken while complying with fundamental principles of due process and fairness.

Staff morale is inevitably affected in a downsizing institution, and the Tribunal, to my great regret, is no exception. I recall that the Tribunal's modest past proposals for a retention bonus in the form of a small termination indemnity have not met with any success. This fact, together with the Tribunal's on-going downsizing and the knowledge that many of our talented staff members may not all be able to find comparable jobs upon leaving the Tribunal, make maintaining morale all the more difficult.

Despite these challenges, the other Principals of the Tribunal and I are focused on using all the tools at our disposal to sustain the morale of the Tribunal's staff. I remain, as ever, tremendously grateful that despite the many challenges they face, staff members continue to carry out their responsibilities with dedication and care, making it possible for the ICTY to fulfil the mandate with which it has been entrusted.

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Mr. President, Your Excellencies, I would like to turn to the progress of the International Residual Mechanism for Criminal Tribunals, often referred to simply as the Mechanism.

The Mechanism began its work with the opening of the Arusha branch on 1 July 2012, and reached another milestone with the opening of The Hague branch on 1 July 2013. The Mechanism now has a presence on two continents, including offices in the United Republic of Tanzania, the Netherlands, and a satellite office in the Republic of Rwanda, and our small core group of staff includes nationals of more than thirty countries.

With regard to judicial work, the Mechanism is seised of one appeal from an ICTR trial judgement in the Ngirabatware case. As already indicated, the Mechanism will hear any appeals that may be filed in the four cases still in their trial phase at the ICTY. Additional judicial matters— including requests to vary the protective measures granted to certain witnesses, proceedings related to alleged contempt of court, and applications for early release—have also come before the Mechanism and been addressed.

I also note that the Mechanism would conduct the trials of three of the nine individuals who have been indicted by the ICTR but who, to this day, have not been arrested.

Mr. President, Excellences, it was thanks to the dedication and cooperation of Member States that the ICTY was able to account for all 161 of those individuals whom it indicted—an extraordinary achievement. It is vital for the cause of international justice that we ensure a similar result for those indicted by the ICTR. I therefore call upon all Member States to take steps to ensure that the remaining fugitives—whether they are among the three to be tried by the Mechanism or are one of the six individuals whose cases have been referred to Rwanda for trial—are at last arrested and brought to trial.

In addition, and in accordance with the Transitional Arrangements set out in Annex II to Security Council resolution 1966, responsibility for a number of essential functions has transitioned from the ICTR and the ICTY to the Mechanism. These functions range from ensuring the protection and support of victims and witnesses to providing assistance to national authorities, and from enforcing the sentences of those convicted by the ICTR and the ICTY to managing the archives of both the ICTR and the ICTY.

In carrying out these and other functions, and in establishing itself as an institution more generally, the Mechanism has benefited greatly not only from the dedication and efforts of its own staff but also from the talents and expertise of the many ICTR and ICTY colleagues who, whether officially double-hatted or not, have taken on extra work and new responsibilities in support of the Mechanism. I am tremendously appreciative of all that they have done, and continue to do.

As we move ahead into the second year of the Mechanism's operations, my colleagues and I will continue to seek to ensure that the Mechanism can serve as a model for international criminal justice and for UN institutions generally, including by adopting best practices from both the ICTR and the ICTY—and then building and improving upon them. At the same time, we remain ever mindful that the Mechanism was created to be a temporary institution, and that our responsibilities will diminish over time. Thus, even as we establish our processes and systems and make decisions about our infrastructure and staffing, we are continually focused of how to accomplish our mandate most efficiently, while remaining fair and effective.

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Mr. President, Your Excellencies, before closing I wish to note that earlier this year the ICTY marked an important milestone: the passage of 20 years since the Tribunal's establishment by the Security Council in resolution 827 on 25 May 1993. In 1993, few were sure of how the Tribunal would take shape, or what it would be able to accomplish. Today, I am very happy to report that the ideal embodied in resolution 827 of a world in which accountability is the firm expectation, and not the exception, has become a reality.

Even as the ICTY moves to complete its remaining work, we may rest assured that the Tribunal will leave behind it a world transformed: a world in which—thanks to the new Mechanism and to the commitment and perseverance of members of the international community on matters of international justice—expectations of principled accountability for those who stand accused of atrocities will remain the norm, and the rule of law will continue to prevail.

Because all that has been accomplished would not have been possible without the continued support of the Member States of the United Nations, this is, in a very real way, not just the legacy of the ICTY but the legacy of the international community as well.

Thank you very much.