



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

The International Residual Mechanism for Criminal Tribunals ("Mechanism") was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda ("ICTR") and the International Criminal Tribunal for the former Yugoslavia ("ICTY") which closed in 2015 and 2017, respectively

STATEMENT

PRESIDENT

(Exclusively for the use of the media. Not an official document)

The Hague, 11 July 2019

**Judge Carmel Agius
President**

**International Residual Mechanism for Criminal Tribunals
Remarks delivered at 24th Commemoration of Srebrenica genocide
11 July 2019**

Your Excellencies,
Esteemed victims, survivors and their families,
Mothers of Srebrenica and other victims' associations,
Ladies and gentlemen,

Let me start by bringing to you the greetings of the Judges and the other Principals of the International Residual Mechanism for Criminal Tribunals (Mechanism) who, although not here in person, are very much with us in spirit. They join me in conveying deepest respects to you and to the people of this country, as well as our most heartfelt condolences to the families of all victims, including those who will finally be laid to rest this afternoon.

Two years ago, I addressed you as the last President of the International Criminal Tribunal for the former Yugoslavia (ICTY). In 2018 I did not have the opportunity to be present, but my thoughts were certainly with you. Now, I address you for the first time in my new capacity as President of the Mechanism.

Between them, the ICTY and its successor institution the Mechanism have served international justice for over a quarter of a century. Thanks to their work and groundbreaking judgements, the international legal landscape has changed irrevocably. So too has the situation in Bosnia and Herzegovina. Those most responsible for the heinous crimes committed during the conflicts of the early 1990s have been brought to justice, an exhaustive historical record has been established, and the vast majority of those who were killed have at long last received a respectful burial. These yearly commemorations are therefore also a monument to the determination of the Security Council of the United Nations, which in 1993 created the ICTY and in 2012 the Mechanism, to bring justice to the victims, their families, and to this region.

Today, a year and a half after the closure of the ICTY, I look back and feel proud that the Tribunal did everything possible, as the Mechanism will continue to do, to secure justice for the victims, irrespective of their ethnicity. In relation to the events we are remembering today, the judgements of the ICTY were the first to establish that these constituted the crime of genocide. They established beyond reasonable doubt how the genocide was carefully planned; how it was systematically and brutally carried out in a matter of days, leaving up to eight thousand Muslim men and boys dead; their bodies thrown into mass graves, exhumed and buried a second or even a third time, in other mass graves. The highest court in the world, the International Court of Justice (ICJ),

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also decided that what happened in Srebrenica amounted to genocide. More recently, in March of this year the Mechanism rendered a significant judgement confirming genocide had been committed.

It is the victims, their families and loved ones, who have borne the devastation and torment of those events. You have lived with the horror since 1995 and have suffered its daily impacts. As if this were not already enough, you have also had to withstand the cruel insult of hearing others deny that the genocide even occurred, despite what you know to be true, despite the overwhelming evidence, and despite the judgements of both international and domestic courts. You know far better than I do how vehement the campaign of denial is, and how in recent times it has been gaining in momentum. I can only imagine how very difficult this must be for you, because it is your stories and your own lived experiences that are deliberately being refuted and undermined.

The denial of genocide is designed to hurt you, and thereby disempower you. It can be seen as a way of perpetuating the genocide itself, and is intended to prevent wounds from healing. Denial is being used to political advantage by leaders who seek to gain from having an ethnically-divided Bosnia and Herzegovina that remains stuck in the past. As I said in my speech at the Fourth International Conference on "Stop Genocide and Holocaust Denial" held in Sarajevo three weeks ago, those who deny the Srebrenica genocide may also be attempting to benefit from the closure of the ICTY. Obviously they have forgotten that the Mechanism will continue to stand with you, shoulder to shoulder, in the ICTY's place. Indeed the Mechanism and I as its President have a responsibility to defend the judgements of both the ICTY and the Mechanism, and the truth they have established. I can assure you that this is precisely what will continue to happen.

Particularly now, it is crucial that the rule of law and the role of the courts be defended. There is a new urgency to push back strongly against the attempts by the deniers to rewrite history. This will require a concerted effort on the part of the leaders and people of this country, and the support of the international community.

Let me emphasise that a conviction for genocide is not a matter for politicians or individuals to decide. Courts alone have the jurisdiction to determine whether a crime has been committed and who is responsible for it, on the basis of the evidence presented and tested, and in accordance with the law and fundamental due process. Those who deny the legitimacy of the findings of the ICTY and the Mechanism must be reminded that the Security Council mandated these institutions – and no-one else – to investigate, prosecute, adjudicate and punish the crimes committed here in July 1995. They must further be reminded that the domestic courts are entrusted with continuing this role into the future, as also envisaged by the Security Council. You must – we all must – be proactive in denouncing and exposing those who would seek to replace the long-standing judgements of international and domestic courts with so-called 'findings' of their own.

Ladies and gentlemen,

As we stand together on this ground that has seen so much inhumanity, let us resolve in this moment to unite against the voices of hate. Let us pledge to keep defending the established record as robustly as we can. Let us continue to demand that the processes of justice be respected and upheld.

And in doing so, we must always remember the victims and their loved ones, who are the reason we are here today. Your remarkable courage and resilience is an inspiration to us all.

Thank you very much for your attention.
