



UNICTR – 20TH ANNIVERSARY COMMEMORATION

ARUSHA, TANZANIA, 8 NOVEMBER 2014

Statement by

*Justice Hassan B. Jallow,
Chief Prosecutor UNICTR/UNMICT
Under Secretary-General of the United Nations*

Your Excellency Vice President of the United Republic of Tanzania,

Honourable Ministers,

Honourable Representative of the Republic of Rwanda,

His Excellency Mr. Miguel de Serpa Soares, Under Secretary-General of the United Nations, Legal Adviser and Representative of the Secretary General of the United Nations,

Honorable Judge Vagn Joensen, President of the ICTR,

Honorable Judge Theodor Meron, President of the ICTY and MICT,

Mr. Bongani Majola, Registrar of the ICTR,

Mr. John Hocking, Registrar of the ICTY and the MICT,



His Excellency Adama Dieng, Special Adviser to the Secretary-General on the Prevention of Genocide,

His Excellency Ambassador Stephen J. Rapp, Ambassador-at-Large, Office of Global Criminal Justice, US Department of State,

Honourable Judges, Excellences, Members of the Diplomatic Corps, Distinguished guests.

I join the President of the ICTR Judge Vagn Joensen in welcoming Your Excellency and all our guests to this ceremony to commemorate the establishment twenty years ago to the day of the ICTR in response to possibly the worst humanitarian tragedy of modern times. We are indeed greatly honoured by your presence here today.

That terrible chapter in human history, as we know, was found by the Appeals Chamber of this tribunal in the case of *Prosecutor vs. Karemera et. Al*, not only to be indisputable but to have constituted “a campaign of mass killing intended to destroy in whole or at least in very large part, Rwanda’s Tutsi population ---- a campaign that was to a terrible degree, successful” with the murder, rape or other grave harm to great majority of Tutsis. Earlier this year, the ICTR joined Rwanda and the rest of the international community in the commemoration of that genocide.



Today's ceremony has been preceded by two other events: - the 7th Colloquium of prosecutors which brought the prosecutors of all the international tribunals, or their representatives, together with prosecutors from some 20 national jurisdictions, representatives of regional courts, academic and civil society organisations to consider practical ways to empower local jurisdictions to effectively discharge what is now regarded as their primary responsibility to prosecute international crimes. Yesterday, an international symposium concluded a preliminary evaluation of the legacy of the ICTR with emphasis on the identification of best practices and lessons for the future.

As we commemorate the 20th anniversary of the ICTR today, we must acknowledge that much has been accomplished in respect of the international community's mandate to the tribunal to prosecute those who committed serious violations of international humanitarian law during that terrible period of Rwanda's history. With the indictment of 93 (ninety three) suspects, the arrest of all but 9 of them, the conviction of 61 for genocide, crimes against humanity and war crimes, the acquittal of 14, the referral of 10 cases to national jurisdictions for trial, the conclusion of all trial proceedings, only the appellate hearing of the Butare case (*Prosecutor vs. Nyiramasuhuko et Al.*) scheduled for March 2015 stands between the tribunal and closure next year. It has been a long and difficult journey, full



of challenges but worth the effort to bring justice to the victims and survivors.

These achievements have been made possible by the support that the ICTR has continued to receive from the international community. We are indeed very appreciative and thankful to all those who assisted the tribunal in the discharge of its mandate: to the government and people of Rwanda, to our gracious hosts the government and people of Tanzania, as well as Rwanda, to the witnesses, to the States whose assistance facilitated the tracking and arrest of fugitives, access to evidence, relocation of vulnerable persons, protection of witnesses and other areas as well, to the UN Secretary General and UN Secretariat, the various organs of the United Nations, civil society and many others.

Whilst much has been accomplished, much remains to be done as well. The commitment to bring justice to the victims of the Rwandan genocide continues to be frustrated by the failure to arrest and surrender the 9 remaining fugitives. The international community, particularly those States where fugitives are suspected to be present, must cooperate fully with the MICT to ensure that these fugitives are brought to trial in the appropriate jurisdiction. All States have a legal obligation to cooperate in this respect pursuant to the Statute of the ICTR and of the MICT and various U.N. Security Council Resolutions adopted under chapter VII of the U.N. Charter.



Furthermore, States need to respect their legal obligation to extradite or prosecute those indictees other than ICTR and MICT within their jurisdiction, who are suspected to have committed serious offences during the genocide. It is very encouraging that some states are already prosecuting and/or extraditing such persons to Rwanda. Many more suspects however continue to roam freely in various parts of the world. Their continued liberty is a serious setback to justice and accountability. We urge all States to devote serious attention to the arrest of all these fugitives in order to bring a proper closure to the efforts launched by the international community some twenty years ago with the establishment of the Tribunal.

As we prepare to close the ICTR next year, and with the imminent closure of the other ad hoc and hybrid tribunals our thoughts must necessarily turn to the future of this international process of accountability for mass crimes which the global community embarked upon some two decades ago.

The activities of the ICTR, and of other tribunals, in the past two decades, provide ample lessons from successes as well as challenges for the guidance of future efforts in ensuring accountability for international crimes. It is thus of great importance that the best practices of these courts and particularly at this time of their impending closure are identified and compiled for the use of local and other international tribunals. The work which has been



commenced in this respect needs to be intensified with the support of the international community to ensure its continuity.

We must continue to be fully committed to the international legal process and to fully support the tribunals – the ICC and any others which remain in operation. In our Colloquium which ended three days ago we as prosecutors national and international – have emphasized that full accountability for mass atrocities is best guaranteed by a strong partnership between the international legal process and local justice mechanisms which are sufficiently empowered to discharge their primary responsibility to investigate and prosecute international crimes. In effect the success of the global struggle against impunity and for justice and accountability rests very much on giving concrete effect to the principle of complementarity. The requisite local political will to do so must be underpinned by national systems based on an efficient and independent prosecution service, an independent and impartial judiciary and an effective defence. States which are willing, alone or in partnership with others, to discharge their primary responsibility but are unable to do so need the support of the international community to build the necessary local capacity to prosecute such crimes. That is of paramount importance for the future course of justice.

Our priority however must always be the prevention of the conflicts that inflict so much human suffering and misery and in the end call for the



intervention of international justice mechanisms. We must continue to work tirelessly to make our nations communities of peace and justice in order to avoid conflict and its tragic consequences. We must continue to strive for good governance based on democracy, respect for the rule of law and human rights, legal and social justice, promote the values of tolerance and dialogue in order to make our communities immune to mass crimes. That ultimately is the best guarantee for peace.

I thank you all for your attention.