



# AUSTRALIA



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## UNITED NATIONS GENERAL ASSEMBLY

### REPORTS OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA AND THE RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

9 November 2016

Statement by H.E. Ambassador Gillian Bird

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Mr President,

I have the honour of speaking today on behalf of Canada, New Zealand, and my own country, Australia.

CANZ wishes to take this opportunity to reaffirm our strong support for the International Criminal Tribunals: for the important work that continues before the International Criminal Tribunal for the former Yugoslavia and for that completed by the International Criminal Tribunal for Rwanda; and for the essential role of the Residual Mechanism for International Criminal Tribunals in carrying forward the unprecedented legacy of both.

Viewed through a lens spanning more than 20 years since their establishment, the exceptional contribution of the Tribunals is clear. The significance of their legacy for the practice of international criminal law, and towards ending impunity, cannot be overstated. 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. Theirs is a concrete example of how the international community can realise accountability for serious international crimes committed in complex conflict situations.

Mr President,

We note that while the ICTR has now completed its work and is closed, eight fugitives remain at large. If apprehended, three of the fugitives will be tried by the Residual Mechanism and five of the fugitives will, pursuant to the referral by the ICTR Prosecutor, be tried by Rwanda. It is important that these individuals also have their day in Court and so we urge States to cooperate to ensure their arrest and surrender.

CANZ acknowledges the continued efforts of the ICTY to complete its work, all the while ensuring that fundamental procedural safeguards are met.

We commend in particular the cooperation between the Tribunal and the international community that has resulted in the fact that there are

no fugitives at large from the ICTY. This is a testament to the fact that those accused of serious international crimes might be able to run, but, if we work together, they will not be able to hide from justice.

While the trials and appeals of the ICTY are nearing an end, important work remains. In this context, we are concerned 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 UN to look at creative solutions to this challenge, including the consideration of an incentives structure. We also encourage the ICTY to continue in its efforts to ensure that its remaining judicial proceedings are advanced both efficiently and effectively.

Mr President,

CANZ wishes to reiterate its support for the December 2010 decision of the Security Council to establish the Residual Mechanism for International Criminal Tribunals. The Mechanism has a critical role to play in completing trials and appeals, the protection of witnesses, the enforcement of sentences, the provision of assistance to national jurisdictions, and the maintenance of the Tribunal archives.

We welcome the smooth handover from the ICTR to the Mechanism, as well as the ICTY's demonstrated commitment to ensuring the effective transfer of its remaining activities to the Residual Mechanism in accordance with the Tribunal's Completion Strategy.

One issue on the Mechanism's agenda that is of particular importance to CANZ is the need to engage in dialogue to develop options to address the plight of the persons acquitted and released by the ICTR who need to be relocated from Arusha. We welcome the Mechanism's efforts to address this issue and welcome news that the number of persons in this difficult situation has been reduced. We encourage States to continue to try to find workable solutions to address the situation of these individuals.

Mr President,

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