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STATEMENT

BY

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DEPUTY PERMANENT REPRESENTATIVE
OF NIGERIA TO THE UNITED NATIONS

ON

THE REPORT OF
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER
YUGOSLAVIA (ICTY) AND THE INTERNATIONAL
CRIMINAL TRIBUNAL FOR RWANDA (ICTR)

AT THE

GENERAL ASSEMBLY HALL
UNITED NATIONS HEADQUARTERS

NEW YORK, 13 OCTOBER, 2014.

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Mr. President,

I thank you for convening this important debate on the work of the ICTY and ICTR. The subject under consideration today is closely connected to discussions on the respect for the rule of law, which is enshrined in the Charter of the United Nations. It is also a fundamental element of both national and international jurisprudence.

2. I join those who have taken the floor before me to thank the President and Prosecutor of the Mechanism for International Criminal Tribunals (MICT), Judge Theodor Meron and Justice Hassan Bubacar Jallow respectively, for their reports, which have provided useful insights to guide our deliberations today.

3. Nigeria commends the two ad-hoc Tribunals for their trailblazing contributions in developing substantive and procedural international criminal law, and for their contributions to the promotion of the rule of law. Through their works, the international criminal justice system, the fight against impunity and the need to ensure accountability for genocide, crimes against humanity as well as war crimes, have been strengthened.

Mr. President,

4. It would be recalled that at the Security Council briefing that was held on Wednesday, 16 April, 2014, to commemorate the 20th anniversary of the genocide in Rwanda, the Council adopted Resolution 2150, which calls upon States to recommit themselves to prevent genocide and other serious crimes under International Law. The Council affirmed that the prosecution of persons responsible for
genocide and other serious international crimes by the ICTR, has contributed to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda. Against this backdrop, in the interest of justice, all Member States have a duty to cooperate with the ICTR, the International Residual Mechanism for Criminal Tribunals and the Government of Rwanda in the arrest and prosecution of the remaining nine ICTR-indicted fugitives.

5. According to the ICTR report, Member States have intensified their cooperation with the objective of apprehending and bringing to trial, within their national jurisdictions, the Rwandan suspects appearing on the INTERPOL list of wanted fugitives. This is a welcome development and we hope that it sends a clear message that there will be no place to hide for perpetrators of mass atrocity crimes.

Mr. President,

6. Nigeria takes positive note of the progress made by the ICTR in implementing its Completion Strategy, which has been continuously updated since 2003. The smooth handover of most judicial and prosecutorial functions to the International Residual Mechanism for Criminal Tribunals, is an important indication of this progress. We note that the preparation and submission of archives to the Mechanism are major challenges. Nevertheless, we call on the ICTR to continue to pay attention to the process of transferring these records and archives to the Mechanism. One immutable fact is that lessons learned in managing judicial, administrative, and prosecutorial functions of an international tribunal are vast and sharing them will allow current and future international and
domestic law jurists to learn from the successes and challenges which form the legacy of the ICTR.

Mr. President,

7. Concerning the ICTY, it is significant that there are no more fugitives to be tried and the Tribunal has concluded proceedings against 141 of the 161 individuals it indicted. This reassures us that the Tribunal has been making progress in completing its mandate to meet the deadlines of the completion strategy. The Tribunal's support to the Mechanism for International Criminal Tribunals, through a variety of processes, including recruitment, communications, information technology support and registry management, is commendable. We are however concerned that various factors, including late arrests of certain individuals and issues that are particular to specific cases, could militate against the efforts to complete some trials and appeals by the deadline of 31st December, 2014, to transfer to the Residual Mechanism. The General Assembly will therefore have the duty to revisit the subject of the extension of ICTY judges' terms, at some point before the end of this year. We encourage the tribunal to work expeditiously towards completing the outstanding judicial proceedings, while observing all appropriate procedural safeguards, adhering to fundamental principles of due process and fairness, and ensuring a smooth transition to the Residual Mechanism.

Mr. President,

8. My delegation welcomes the Progress Reports of the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals respectively from 16th November, 2013 to 15th
May, 2014. We are satisfied that in accordance with its mandate, the Mechanism has assumed responsibility for many functions of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia. We call on the Mechanism to continue to work closely with the principals and staff of both Tribunals to ensure a smooth transition of remaining functions and services and a harmonization and adoption of best practices.

Mr. President,

9. Nigeria is committed to the fight against impunity. We believe that impunity must be addressed resolutely wherever it occurs in the world and we have instituted different instruments to address the practice. Our belief in the need for global action against mass atrocity crimes and security threats to mankind, underpins our ratification of relevant international legal instruments.

10. It is our belief that the aspiration for a global system that is based on the Rule of Law, where accountability and social justice are the foundations for durable peace, should be a source of inspiration to all. Indeed, this should be a priority for the international community, for world leaders and for the citizens.

    I thank you