

STATEMENT BY MR. E. AHAMED, MINISTER OF STATE FOR
EXTERNAL AFFAIRS, AT THE JOINT DEBATE ON THE
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA [AGENDA
ITEM 73] THE INTERNATIONAL TRIBUNAL FOR THE FORMER
YUGOSLAVIA [AGENDA ITEM 74]; AND INTERNATIONAL RESIDUAL
MECHANISM FOR CRIMINAL TRIBUNALS [AGENDA ITEM 132].
AT THE 68TH SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY ON OCTOBER 14, 2013

Mr. President,

Please allow me to begin by congratulating you on your assuming the Presidency of the 68th session of the United Nations General Assembly and reiterate the assurance of the full cooperation and support of the Indian delegation in the proceedings of the General Assembly session.



Mr. President,

I thank the Presidents of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the International Residual Mechanism for these Tribunals for their reports, and record our appreciation for their work.

We commend the efforts of the two Prosecutors for having undertaken outreach initiatives, including training, aimed at strengthening the capacity of the national systems to handle the referred cases effectively.

Mr. President,

We are glad to note that both the branches of the Mechanism have, by now, become operational, the one for the ICTR in Arusha, Tanzania, by commencing its functioning on 1 July 2012; and the other for the ICTY in the Hague, Netherlands that was launched recently on 1 July 2013. This would ensure the smooth transition of their pending work to the respective Residual Mechanism.

Mr. President,

The establishment of the Mechanism, by the Security Council, vide resolution 1966 of 22 December 2010, is a key step of the Completion Strategy of the two Criminal Tribunals. The Mechanism is mandated to perform a number of essential functions previously carried out by the two Tribunals, including securing the arrest, transfer and prosecution of the fugitives still at large.

It is worth mentioning that the Arusha Branch of the Mechanism has, in the past one year, conducted a number of judicial activities and performed functions ranging from the protection of witnesses to responding to requests for assistance from national jurisdictions.

We are confident that the Mechanism will successfully build upon the work of its predecessors with perfection in accordance with its mandate and will thus complete the pending judicial work efficiently in a timely manner without compromising fair trial rights.

The efforts towards the relocation of persons acquitted by the Tribunals and those convicted persons who have completed their sentences and have been released are significant from the humanitarian and reconciliation angles and should be accorded priority.

Mr. President,

The international community had set up international criminal courts and tribunals to achieve the objective of punishing the guilty and ending impunity.

However, trials through the international courts do not always have the desired impact on the affected communities by helping in healing and reconciliation. When such trials are conducted by foreign judicial systems or Tribunals, with little or no connection to the perpetrators, victims, or offenses, they are invariably decoupled from the political, social and economic context of the affected country and its people.

Despite the important role which has been played by international criminal tribunals towards accountability and ending impunity, strengthening of national judicial systems to prosecute serious crimes remains crucial as States have the primary responsibility to prosecute serious crimes committed in their territory or by their nationals. Therefore creating effective national legal and judicial institutions that uphold the rule of law is essential and it is imperative for the international community to continue to promote strengthening of national criminal justice systems by building capacities of national investigating, prosecuting and judicial agencies.

In this regard, the referral of six cases by the ICTR to the Rwandan authorities for trial holds significance.

Mr. President,

The international criminal justice is also criticized for its selectivity. In order to ensure the credibility of the system, selective and discriminatory approaches should be shunned and the role of political organizations be minimized for consistent application of the law.

Thank you.

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