

STATEMENT BY MR. VINAY KUMAR, MINISTER, IN THE DEBATE ON INTERNATIONAL CRIMINAL TRIBUNALS FOR FORMER YUGOSLAVIA AND RWANDA ON JUNE 07, 2012

Thank you, Mr. President.

Let me at the outset congratulate Judge Meron on his assumption of the post of the President of the Residual Mechanism in addition to the continuing post of the President of the ICTY. I also want to congratulate Judge Joensen on assuming the office of the President of the ICTR. We have heard carefully their presentations and assessment of the work of the Tribunals. We also appreciate the briefings given by the two Prosecutors.

2. Mr. President, India welcomes the progress made by the two Tribunals in expediting their work. We are reassured by the assessment of Judge Meron and Judge Joensen that the preparations for the commencement of the Residual Mechanism are on track. We have noted that the Arusha Branch of the Residual Mechanism commence its work from 1 July 2012.

3. We are happy to note that the recommendations made by the Council, including about hiring and retaining qualified interns, during its previous reporting period have brought tangible results and helped the Tribunals progress faster towards the implementation of completion strategy and the commencement of the Residual Mechanism.

4. We appreciate that Judge Meron has undertaken a variety of reforms to improve the functioning of various sections of the Tribunal. As a result, the trial of Mladic, Hadzic and Karadzic has been advanced many months ahead of their expected schedule. Similarly, appeals in some cases have been advanced significantly ahead of their schedule. This is a very positive sign and we congratulate Judge Meron on this welcome development.

5. We are happy to note that the ICTR has completed work at the trial level with respect to 83 of 93 accused persons, while nine accused remain at large. All trials are on track and will be completed by end 2012.

6. We commend the efforts of the Prosecutors for undertaking outreach initiatives, including training, aimed at strengthening capacity of national systems to handle referred cases effectively. This will preserve the legacy of the Tribunals.

7. We also note with satisfaction the progress made in the implementation of the Residual Mechanism. Any functional, operational or institutional issue in the implementation of the Completion Strategy or the Residual Mechanism should be addressed by the Council in consultation with the Council's Informal Working Group on International Tribunals.

8. Mr. President, it is critical that the Tribunals finish their work on time. We have listened very carefully to the concerns raised by the Presidents of the two Tribunals in relation to their ability to keep pace with their work while adhering to expected timelines until the 'close of business'. The Judges have pointed out that trials and appeals continue to be affected by staffing shortages and the loss of highly efficient staff members. We share the concerns expressed by the Judges, especially on the need for retaining adequate and experienced staff.

9. Careful consideration should be given to the suggestions made by the Judges on how to address these challenges. This is a practical issue and requires consideration of pragmatic and innovative solutions and we stand ready to work with other members of the Council to solve this problem.

10. Judges have also raised the issue concerning the relocation of acquitted persons and those who have already served their sentences. Some of them are living in safe homes in Arusha for the last 5 years. This is an important humanitarian issue and needs careful consideration.

11. Mr. President, we welcome the cooperation extended by all States concerned with the Tribunals, which is vital to ensure the completion of the mandates of the Tribunals as well as for the successful implementation of the Completion Strategy. We appreciate Serbia's sustained efforts in this regard and request other States to continue to extend effective cooperation so that the remaining fugitives could be located soon and surrendered to the Tribunals to end impunity.

12. In conclusion, Mr. President, we believe that the two Tribunals have admirably implemented their mandates. We believe that the support of the Security Council is crucial at this critical juncture in the life of the Tribunals. At the same time, we urge both Tribunals to take all necessary measures to keep the trial and appeal schedules on track. This will pave the way for successful trials of the remaining accused and a smooth implementation of an efficient Residual Mechanism.

I thank you.

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