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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre

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**FORUM OF PROSECUTORS OF UN TRIBUNALS  
AND NATIONAL AUTHORITIES  
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**OPENING STATEMENT**

**BY**

**ADAMA DIENG, REGISTRAR  
Wednesday, 26 November 2008**

Mr. President of ICTR Judge Dennis Byron, Dear Judges, Dear Prosecutors from ICTY, SCSL, ICC and ICTR, Dear National Prosecutors, members of NGO and Civil Society, ladies and gentlemen.

It is with great honour that we welcome you all to Arusha, small town of the Northern part of Tanzania, which has now become very famous. Not only because of its mild weather or its proximity to Mount Kilimanjaro, the roof of Africa, with its legendary snow cap. Not even because it is the inescapable passage to Tanzania's most wonderful wildlife parks, like Ngorongoro, Manyara or Serengeti.

It was no accident that President Clinton has labeled Arusha once, the Geneva of Africa. Arusha has indeed been the venue for many important

international meetings geared towards the settlement of conflicts in the Great Lakes region, particularly in Rwanda and Burundi. It was therefore quite naturally that this peaceful town in the midst of the turmoil of the Great Lakes region, has become the seat of the International Criminal Tribunal for Rwanda, one of the major forums for the development of international humanitarian law.

Dear guests, welcome to the Geneva of Africa.

I wish to thank Prosecutor Hassan Bubacar Jallow for his initiative to gather here in Arusha, international and national prosecutors from Africa, Europe and the Americas to exchange and share experience on the investigation and prosecution of international crimes as Genocide, Crimes against Humanity and War crimes. As you all know, there has been a blooming of international tribunals in the course of the last decade. These Tribunals have developed an interesting body of jurisprudence on substantive and procedural laws regarding international humanitarian law. Yet the international tribunals are not meant to overshadow the national judicial systems. Indeed the justice system is and will essentially be delivered through the domestic setting. In fact the ad hoc international Tribunals are now embracing their last years of existence. Though being a permanent body, the ICC is only complementary or rather subsidiary to the domestic systems. It is therefore of the utmost importance that whatever best practices that have been developed through the international system be shared with the domestic bodies.

This would be just fair, because the international Tribunals owe their performance, nay their existence, to the national systems. We did not have any judicial training school when we were first created. We just drew from the resources of the National judicial systems.

The national systems are at the beginning and at the end of the justice delivery system, including in dealing with international crimes. Many national systems have devised the tools to prosecute appropriately the international crimes, although some emerging concepts as the universal jurisdiction will certainly need to be better crafted to coexist with some other equally important international law principles. But the bottom line is that the international humanitarian law has become very pervasive. And it is good that it be so. We live in a century where it is not acceptable to turn a blind eye on horrendous crimes like genocide or crimes against humanity, irrespective of their venue. What this international duty means is that every leader, every Prosecutor, every human right activist must be prepared to identify the legal contours of each international crime and assist in its effective prosecution.

ICTR, ICTY and the SCSL are now winding up. Despite their best efforts, they will undoubtedly leave behind some unfinished work. Their objective was even never to try all the cases that needed to be tried. They have just focused on the most symbolic cases, leaving the bulk of the task to the national systems. And now, even in dealing with those very limited cases, it is part of ICTR and ICTY respective completion strategies to surrender some of them to national authorities. We in ICTR, have encountered some legal difficulties in the attempts to transfer cases to Norway, Netherlands and Rwanda. I am sure that this conference will be the appropriate venue to take stock of the situation and come up with new ideas as to how best to tackle the legal obstacles and succeed with the transfer of cases while upholding the highest standards of fair trial for the accused persons.

Our experience over the past years has shown that there is a lot to be shared in terms of cooperation. National systems have for example responded to our requests for transfer of accused or suspects by the mechanism of extradition,

which not always suitable. We have also in the past experienced difficulties when requesting the cooperation of some States for the taking of statements of potential witnesses by Defence Counsel. Some States would only accept to cooperate if an examining magistrate of their own system would perform the task.

Without being exhaustive in listing the areas of possible misunderstanding, it seems to me that there is an urgent need to adjust some of our traditional tools of judicial cooperation to suit the demands of the new international environment. This conference will certainly be of great help to that end. I therefore reiterate my support to your deliberations and eagerly await your recommendations, which I am sure, Prosecutor Hassan Jallow will readily share with us.

Despite your tight schedule, I also hope that those of you visiting Arusha for the first time will have the opportunity to undertake a short safari in one of the wonderful national parks so close by.

Once again I wish you a very successful conference and a wonderful stay in Arusha.

Thank you.