

FORUM BETWEEN NPAs AND OTPs OF AD HOC TRIBUNALS  
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President of the ICTR, Sir Dennis Byron  
Registrar of the ICTR, Adama Dieng  
H.E. the Regional Commissioner for Arusha  
The Mayor of the City of Arusha  
Honourable Judges  
Honourable Minister  
Distinguished delegates  
Ladies and Gentlemen,

It is my great pleasure and honour to welcome you all to this session and to the Conference. A special welcome on behalf of the OTP-ICTR, and indeed on behalf of the ICTR family is extended to our colleagues who have travelled from afar to join us in Arusha on the occasion of the conference. This gathering brings together national and international prosecutors, policy makers and civil society members to explore ways of further strengthening the partnership between them in pursuit of the goal of ensuring great accountability for international crimes.

The past decade and a half has witnessed significant progress in combating impunity for international crimes. Such progress has unfortunately always

followed great tragedy. The tragedies of the Former Yugoslavia, Rwanda, Cambodia, Sierra Leone have jolted the international community to take measures to bring to account within an international framework those persons who played a leading role or bear the greatest responsibility for these crimes. The weight and the long arm of the international criminal justice system has been brought to bear upon these catastrophes through the establishment of the ICTY, the ICTR, the SCSL, the ECCC etc... In this relatively short span of time these institutions have through their activities been able to demonstrate the viability and necessity of the international criminal justice system. Accountability for these egregious crimes at an international level is clearly feasible and workable as it is equally desirable for the maintenance of international peace and security. A large number of senior people have been brought to trial before these courts for crimes which have shocked the conscience of humanity. Many of these persons would, in the past, have escaped justice due amongst other things to their status and influence and the difficulties posed by extradition processes. At the ICTR alone some 94 indictments have been issued, many of them in respect of senior political and military figures whose trials are in progress or have been concluded. The appearance in the dock of the ICTR of Jean Kambanda, former Prime Minister of Rwanda; of former President Milosevich at the ICTY and Charles Taylor, former President of Liberia at the Special Court for Sierra Leone are all significant milestones in the struggle for justice and accountability. The tribunals have developed and expanded the body of jurisprudence on international criminal law, procedure, practice and evidence. The techniques of investigation, case and trial management, management of victims and witnesses, etc have been constantly improving. The successes of the tribunals have been facilitated by a network of very effective international cooperation between these institutions on the one hand and with governments and

national institutions such as those represented here on the other hand. The ICTR is proud to have been part of this whole process.

But with success too there are challenges we need to recognize. Some of these challenges are inherent in the system of international criminal justice; others are born of circumstances such as the implementation of the respective Completion Strategies. Despite its primacy over national systems, the international criminal justice system cannot hold to account all those who commit violations of international criminal law; it must of necessity confine itself to a limited number of suspects selected on the basis of their status, and level as well as nature and extent of their involvement. Thousands of persons were involved in the genocide in Rwanda; yet by the end of its mandate the ICTR would have dealt with less than 100 perpetrators, albeit of very senior status. Many of the others are facing charges in Rwanda; but still many others roam the capitals of the world, challenging the global effort to deliver justice. There is the real prospect that even some of those persons indicted by the tribunals may not be tried within the remaining time frames and that such persons may have to be transferred to national jurisdictions for trial.

All of this underlines the critical role that national systems have to play if we are to continue to make progress in combating impunity. The development from legal primacy to the principle of complementarity as well as the strategy for transfer of cases from the tribunals to the national courts are all a recognition of the dire need for a very close and effective partnership between national systems and international institutions.

We must work together – national institutions and international tribunals – to ensure that there are no gaps in our struggle to end impunity for crimes; that no safe havens exist for the suspects of international crimes; that any work left over from the mandate of the tribunals is effectively undertaken by national systems. The experience and the records of the tribunals are at the disposal of national institutions in this regard.

In the course of the conference we hope to be able to brief delegates fully on the status of the respective Completion Strategies of the tribunals, the challenges of imminent closure and where and how we believe national institutions fit into this scheme. Civil society being an important partner in this process we also plan to devote some attention to exploring how their collaborative role can be further enhanced. We will in our discussions seek to identify the challenges that national systems face in the extradition and prosecution of international crimes and the ways in which these challenges could be resolved. In this respect it is worth noting that the ICTR and other tribunals hold vast databases of information and evidence which could be of tremendous value to national prosecuting authorities. Accordingly we shall be discussing the procedures and conditions on which such material particularly within the ICTR could be accessed by such institutions presently and following the conclusion of the mandates of the tribunals. We hope our discussions will at the end of the day provide us with useful guidelines on how to further strengthen the links of cooperation between the tribunals, states, national institutions and civil society to ensure effective and greater accountability for the perpetrators of international crimes.

I do hope also that our distinguished visitors, particularly those visiting Tanzania for the first time, will seize this opportunity to also sample the unique wonders of this beautiful country: Kilimanjaro and the world renowned game parks of this region.

This conference has been made possible through a generous grant from the John D. and Catherine T. MacArthur Foundation. I would like to thank them on behalf of the ICTR and on behalf of all the delegates for their assistance.

Finally it is my pleasure now to invite Judge Sir Dennis Byron, the President of the ICTR to address the conference.