



Kingdom of Belgium

Speech by H.E. Mr Philippe Kridelka, Ambassador, Deputy Permanent Representative

to the United Nations Security Council

Debate

International Residual Mechanism for Criminal Tribunals

New York, 14 December 2020

Mr President,

I would like to thank Judge Carmel Agius and Prosecutor Serge Brammertz for their written report and their insightful presentation.

Today, I would like to address three points: the efforts of the Mechanism to fulfil its important mandate in the difficult context of the health crisis; the necessary cooperation of United Nations Member States in the Mechanism; and, lastly, the importance of the duty of remembrance for future generations.

First of all, I would like to stress that Belgium remains fully committed to the mandate of the Mechanism, whose work it continues to fully support. After his arrest in May, Félicien Kabuga's initial appearance in The Hague in November gave hope to the survivors and relatives of the victims of the genocide in Rwanda, who continue to call for justice. In this regard, I welcome the establishment of an investigation team within the Office of the Prosecutor to ensure that the procedural steps leading to a trial can proceed expeditiously. Created ten years ago by the Council, the Mechanism continues to play a fundamental role in the process of reconciliation between communities, both in Rwanda and in the countries of the former Yugoslavia.

In that context, my country welcomes the measures taken by the Mechanism so it can continue to operate as efficiently and effectively as possible despite the constraints of the COVID-19 pandemic. We welcome the fact that hearings in the various cases were able to resume as early as August thanks to the use of videoconferencing and well-equipped rooms. These efforts mean that the Mechanism is achieving its priority of completing ongoing judicial proceedings in a timely and efficient manner, while taking into account the procedural guarantees and the fundamental rights of the persons for whom it is responsible.

I now come to my second point. The efficient implementation of the Mechanism's mandate relies on effective cooperation by UN Member States. It is in this spirit that Belgium recently agreed to take over the enforcement of the sentence imposed on a convicted person.

While States' cooperation with the Mechanism remains generally satisfactory, there are still exceptions which are all the more unacceptable as they involve non-compliance with international obligations. This applies first and foremost to the execution of arrest warrants. Following the decision of the Appeals Chamber of 24 February in the *Jojić and Radeta* contempt case, Belgium therefore calls on Serbia to make every effort to ensure that the two accused are arrested, taken into custody and transferred to the Mechanism without delay. Furthermore, it is not acceptable that requests for assistance from the Office of the Prosecutor concerning the six fugitives from the International Criminal Tribunal for Rwanda continue to go unanswered. In this regard, I would like to recall resolution 2529, adopted last June, which once again urged "*all States, especially States where fugitives are suspected of being at large, to intensify their cooperation with and render all necessary assistance to the Mechanism.*" Belgium supports the Prosecutor's call for South Africa to provide a substantive and immediate response to the requests for assistance addressed to it. We also call on the other States concerned to render all necessary assistance to ensure the speedy arrest and transfer of fugitives.

Mr President, in conclusion, I would like to refer to the situation in the countries of the former Yugoslavia. While some progress has been made, and we welcome this, it is still too little and varies greatly from country to country. Regional judicial cooperation has remained at a very low level for years. Moreover, the denial of genocide and war crimes, and the glorification of war criminals, continue. This is not only contrary to the values and principles of the United Nations and the European Union, it is also an assault on the memory of the hundreds of thousands of victims of the Balkan wars. These practices must stop. However, care must be taken to keep the memory of the most serious crimes committed alive for future generations, to prevent their recurrence in the future.

Thank you.