



Kingdom of Belgium

Speech by H.E. Mr Marc Pecsteen de Buytsverve, Ambassador,
Permanent Representative

At the United Nations Security Council

Debate

International Residual Mechanism for Criminal Tribunals

New York, 17 July 2019

Mr President,

I would first like to thank Judge Carmel Agius and Prosecutor Serge Brammertz for their written report and the very useful briefings they have just delivered before the Security Council. I would also like to congratulate Judge Agius, who is present for the first time before the Council following his appointment as President of the Mechanism.

Mr President,

Belgium welcomes the proceedings of the Mechanism, which clearly have been punctuated over the past six months by the verdict of the Appeals Chamber in the *Karadžić* case, and his conviction of life imprisonment. Despite a limited budget, the Mechanism continues to engage in intense operations, while upholding the vision of the Security Council of being an effective small entity with a temporary mandate.

Combating impunity and ensuring that justice is delivered for the gravest crimes under international law are fundamental obligations that fall chiefly under the responsibility of each State. The efforts of Member States, supported by the Mechanism, directly contribute to the process of reconciliation between communities. It is therefore essential that all countries concerned cooperate, not just amongst themselves, but also with the Mechanism.

In this regard, we deplore the fact that the eight individuals indicted by the Criminal Tribunal for Rwanda remain at large. Belgium recalls the fact that all Member States of the United Nations have an obligation to cooperate with the

Office of the Prosecutor in its efforts to locate and prosecute the remaining fugitives. The members of the Security Council clearly must lead by example, and we welcome the fact that South Africa has demonstrated a willingness to cooperate. We support the Prosecutor's call for the South African authorities to now honour their commitment in practice by implementing it as quickly as possible, thereby making a significant contribution to combating impunity for the crimes of genocide and crimes against humanity that were perpetrated in Rwanda.

In the same vein, Belgium is gravely concerned about persistent reports from the Office of the Prosecutor about the denial of crimes and the glorification of war criminals in certain countries of the former Yugoslavia. The role of the Mechanism in combating hate speech and any ideology which fuels discrimination is of utmost importance, but this requires the full cooperation of the States in the region. Belgium also regrets a further slowdown in regional judicial cooperation in the Balkans, without which cooperation the perpetrators of war crimes will continue to enjoy impunity. We call upon the States concerned to reverse these trends, and we specifically recall the commitments they made in this regard one year ago during the Western Balkans Summit in London, under the Berlin process.

Mr President,

Under resolution 2422 adopted in June 2018, the Council encouraged the Mechanism to consider the establishment of a programme for conditional early release. The aim was to address the concerns voiced by some Member States following the early release of a number of convicted individuals. Belgium welcomes the fact that the new President intends to initiate consultations with other stakeholders and is currently considering adequate solutions in this regard. It is indeed essential for the Mechanism to continue to operate in a peaceful climate.

Mr President,

The mandate of the Mechanism is unique. In addition to its judicial proceedings, it has assumed other residual functions, such as assistance to national jurisdictions. The latter directly contributes to ensuring accountability on the part of States during the investigation, prosecution and trial of perpetrators of grave violations of international humanitarian law. Belgium fully supports the Mechanism in the pursuit of its mandate. This enables hundreds of victims of the Balkan wars and the

genocide in Rwanda to raise their voice and provide testimonies about the atrocities perpetrated in the 1990s, so that they will never be forgotten. The Mechanism therefore stands as a model that the Security Council rightly showcases, today 17 July, World Day for International Justice.

Thank you.