



Permanent Mission of
Malaysia
to the United Nations

(Please check against delivery)

**STATEMENT BY HONORABLE ROSLI MAT HASSAN
REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS
ON AGENDA ITEM 77: REPORT OF THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND
OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAWS
COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS
RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED
ON THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND
31 DECEMBER 1994 AND AGENDA ITEM 78: REPORT OF THE INTERNATIONAL
TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR
SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED
IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 AT THE
PLENARY OF THE 60TH SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY NEW YORK
MONDAY, 10 OCTOBER 2005**

Mr. President,

I should like to thank the Honourable Judge Erik Mose, President of the International Tribunal for Rwanda and the Honourable Judge Theodor Meron, President of the International Tribunal for the former Yugoslavia for introducing the Reports of the two Tribunals and for their excellent leadership of the Tribunals during the respective reporting period. The reports provide a comprehensive review of the progress of the work of the Tribunals as well as the difficulties encountered by them. We commend both Presidents, members of the Chambers, the Prosecutors and the Registries of both Tribunals for the progress achieved so far.

Mr. President,

2. Malaysia continues to believe strongly in the importance of upholding the principles of justice and equality which international humanitarian law stands for. We regard adherence to the rule of law as a necessary basis for upholding these principles. The Tribunals were established, among others, to bring to justice persons allegedly responsible for violations of international humanitarian law and to contribute to the restoration of peace by promoting reconciliation in the former Yugoslavia and Rwanda. Since their creation, the Tribunals have played a significant role in clearly demonstrating that genocide and other serious violations of international humanitarian law cannot be tolerated. The Tribunals exist in order to ensure that the perpetrators of genocide and other serious violations of international humanitarian law will not get away with impunity.

3. The work of the Tribunals is of immense importance in bringing to justice the perpetrators of atrocities and in the development of international justice and international law. There is no doubt that the decisions of the Tribunals have contributed to the progressive and constructive developments of case law in the spheres of general international law and international humanitarian law, in respect of different questions of procedure and competence and also on substantive issues of considerable importance. The Tribunals have led to pioneering advocacy for victim's oriented restitutive justice in international criminal law.

Mr. President,

4. Malaysia is pleased to note that both the ICTY and ICTR have focused considerable effort on the implementation of their completion strategies as spelt out in Security Council resolution 1503 (2003) and 1534 (2004) which requires both Tribunals to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010. We are also pleased to note that both Tribunals have continued to make substantial reforms to improve its administrative capacity while working towards the timely implementation of the completion strategy.

5. The appointment of ad litem judges has allowed the Tribunal to increase its judicial productivity and meet the demands of the rise in cases. The Tribunals must be in a position to undertake its tasks efficiently so that detainees are spared from undue delay in the completion of their trials. With the appointment of these ad litem judges, the Tribunals should be able to meet its target of completing all trials by 2008. My delegation is pleased that a Malaysian is able to contribute to the process through his service as an ad litem judge.

Mr. President,

6. I would now like to first comment on the activities of the ICTR. Malaysia is pleased to note from the report that the ICTR is on course to complete the trials by 2008. The efforts by the President in the scheduling and planning of trials to best utilise the time and resources should be commended. We are pleased to see that since his appointment in 200, the Prosecutor has stepped up efforts to streamline cases as required by the completion strategy and in the transferring of cases to the national authorities. Malaysia also notes that the construction of the fourth courtroom which has helped speed up the trials and remains a crucial element of the Tribunal's completion strategy.

7. It is also critical to the success of the Tribunal that the people of the region be informed of its work and comprehend its significance. We appreciate the perseverance of the Registrar in promoting greater awareness of the Tribunal and engaging the interest and support of the local population, States of the region and the international community through capacity-building programmes. We encourage him to continue his efforts.

Mr. President,

8. I would now turn to the ICTY. My delegation notes with appreciation that the Tribunal has undergone structural and operational reform during the reporting period. The most significant internal reform was the amendments of rule 98 bis and 73 (D) to enable the Tribunal to shorten the time frame by allowing oral arguments instead of written briefs and conserving of resources of the Tribunal. Malaysia is pleased to note that the Tribunal is using technology to modernise itself. The implementation of the eCourt system has contributed in speeding up trials and appeals.

9. Malaysia notes that one of the durable legacies of the ICTY will be the strengthened criminal justice system in Bosnia and Herzegovina. Towards this end, the establishment of the Special Chamber for war crimes prosecutions is crucial to enable the ICTY to complete its work by 2008. The establishment of this Chamber is a testament of the growing and improved cooperation with the national authorities. Although this Chamber will allow for the transfer of cases of lower level prosecutions to national jurisdictions, more work will be required to ensure that they are done in a timely manner.

10. It has been more than a decade since the Tribunal was established. Malaysia is pleased to note the Tribunals have been making tremendous progress in completing the cases before the Tribunal. However, we are concerned that 10 public indicted persons still remain at large including the major indicted war crimes, particularly Radovan Karadzic and Ratkp Mladic. We strongly hope that this matter will be addressed as expeditiously as possible. Malaysia shares the concern as expressed in the report that the continued freedom with impunity of such major characters would not only preclude the Tribunal from completing its work within the time frame but also undermine the successful cooperation with the national authorities.

Mr. President,

11. The work of the ICTY and the ICTR has greatly contributed to the field of post-conflict justice – not only in furthering international criminal jurisprudence on matters such as individual responsibility, the ability to exercise jurisdiction over crimes committed in internal conflicts, but also in terms of procedural refinements. In reiterating its fullest support for both the Tribunals, Malaysia calls, once again, on the international community to give full and sustained support to the Tribunals in carrying their mandate and objectives. The sustained commitment by major powers is also crucial. The delivery of justice is important for a sustainable peace-building process. Without justice there would be no peace.

Thank you, Mr. President.