



# MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

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STATEMENT BY  
H.E. MR. RAMLAN IBRAHIM  
PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS

AT THE SECURITY COUNCIL BRIEFING ON  
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  
AND

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF  
PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS  
OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF  
RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND  
OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING  
STATES BETWEEN 1 JANUARY 1994 AND 31 DECEMBER 1994

9 DECEMBER 2015

Madam President,

I wish to express my appreciation to the briefers for their reports, namely Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR); Judge Carmel Agius, President of the International Criminal Tribunal for the former Yugoslavia (ICTY); Judge Teodor Meron, President of the International Residual Mechanism for Criminal Tribunals; Mr. Serge Brammertz, Prosecutor for the ICTY; and Mr. Hassan Bubacar Jallow, Prosecutor for the ICTR.

2. We wish to take this opportunity to congratulate Judge Carmel Agius on his recent appointment at the President of the ICTY. We are confident that Judge Agius would continue the excellent work of his predecessor, Judge Teodor Meron, in providing leadership to the Tribunal in fulfilling out its mandate.

3. The reports and briefings have provided an invaluable insight into the progress made by the Tribunals and the Mechanism as mandated by this Council. We value the work of the Tribunals and the Mechanism in upholding the rule of law and dispensing justice as regards the atrocity crimes committed in the former Yugoslavia and Rwanda. We are, in this regard, highly encouraged by the commitment, integrity and high standards of professionalism shown by the judges and the staff of the tribunals in their work, consistent with the fundamental principles of due process and fairness.

4. We are very encouraged that the Tribunals are on track towards meeting their respective Completion Dates, the ICTR by the end of this year and the ICTY by the end of 2017. We give due recognition to and commend Judge Joensen for his effective and successful stewardship of the ICTR, leading to its closure by the end of this year and transition to its residual mechanism, namely the Mechanism for International Criminal Tribunals, pursuant to resolution 1966 (2010).

5. We however understand that the ICTY is faced with several challenges, in particular, as regards staff attrition which has reached a critical level and also the request for extension of the terms of service for its judges, necessitated by delays in proceedings. We believe that the delays in the proceedings have not been due to the incompetence, mismanagement or neglect of the Tribunal. Rather, the delays were due to factors beyond the Tribunal's control, such as resignations and the health condition of the accused. We therefore believe that those challenges are not insurmountable. We would continue to give the necessary support to the ICTY to overcome those challenges. We cannot, in good conscience, ignore or refuse to assist the Tribunal in overcoming those challenges as it approaches its last stretch in completing its mandate.

6. As the closure of the ICTR approaches, we agree that it is important to preserve its legacy in the form of judgments, testimonies and other records related to upholding the rule of law and delivery of justice regarding one of the darkest periods of modern history. The preservation of those records would provide a basis for future international

tribunals and reminder to mankind the importance of combating impunity.

7. We further wish to highly acknowledge the cooperation of the States concerned and also the regional States for their cooperation with the Tribunals. It would have not been possible for the ICTR and ICTY to fulfil their mandates without the fullest cooperation of the respective States. We encourage the concerned States to continue their cooperation so as to enable the Tribunals and Mechanism to fulfil their respective mandates.

8. While it would have been ideal for the Tribunals to fulfil their respective mandates expeditiously without delays, we are of the view that our eagerness in the pursuit of justice should not be at the expense of due process or the rule of law.

Madam President,

9. We need to continue sending a strong and unequivocal message that impunity will not be tolerated or go unpunished. Malaysia remains resolute in its stand that the perpetrators of such crimes must and will be brought to justice to account for their crimes. That it is part of the healing, truth and reconciliation process communities and States have to undergo to seek and uphold justice.

10. Malaysia, in this regard, highly values and underscores its full support for the work of the ICTY, the ICTR and the Mechanism in upholding the rule of law and justice. We deeply acknowledge their contribution to the international justice system, rule of law and the maintenance of international peace and security.

Thank you, Madam President.

