



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS



(For Immediate Press Release)

**STATEMENT BY
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TO THE UNITED NATIONS
AT THE
UNITED NATIONS SECURITY COUNCIL DEBATE
ON THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA
AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

NEW YORK, 8 DECEMBER 2016

I too would like to welcome the Judges and Prosecutor representing the ICTY and the Residual Mechanism back to New York, and thank them for their very comprehensive briefings.

2. My delegation welcomes the notable progress made by the ICTY and the Residual Mechanism during the reporting period. In particular, we wish to congratulate the Residual Mechanism for the official launching of its new premises in Arusha last month. We commend the Government of Tanzania for its crucial role and valuable contribution in this regard.

3. Malaysia is encouraged by the smooth functioning of the Residual Mechanism in assuming responsibility for a number of functions of the ICTR and the ICTY. We reiterate our call to member states to fully support the Mechanism, especially in tracking the remaining fugitives indicted by the ICTR, to enforce sentences, and to relocate those who had served their sentence or been acquitted by the Tribunal.

Mr. President,

4. Turning to the ICTY, Malaysia is reassured by the commitment expressed by its President that the judicial work of the Tribunal remains on track, to be completed by November next year. We welcome the progress made in the cases of Stanisić & Zupljanin, *Prljić et al.*, and *Mladić*, during the reporting period.

5. Malaysia takes note of the evaluation by the Office of Internal Oversight Services (OIOS) on the methods and work of the ICTY, and the Tribunal's response to the OIOS

report. We welcome the adoption of a “Code of Professional Conduct” by the judges of the Tribunal, in line with the OIOS’s recommendation.

6. While other recommendations of the OIOS may have some merit, we believe that at this point, the Tribunal should focus its time and resources to complete its judicial work within the stipulated deadline, instead of being distracted by administrative and management issues.

7. At today’s briefing, we again hear from Judge Agius on how staff attrition continues to seriously impact the work of the Tribunal, and could potentially affect its completion strategy. We believe at this last leg of the Tribunal’s work, member states should redouble their efforts to support the Tribunal in addressing this critical challenge.

Mr. President,

8. Malaysia views the reversing trend in cooperation with the ICTY deeply disturbing, especially in the context of revisionist movement in the region and the glorification of war criminals. These are warning signs that must not be ignored by the international community, as they could undermine the great stride that we had made in the past decades towards ending impunity for war crimes, genocide and crimes against humanity.

9. In this regard, we urge Serbia to uphold its legal obligations to resume cooperation with the Tribunal, including by executing the Tribunal’s arrest warrants. We also call on the relevant member states in the former Yugoslavia to intensify the pace and effectiveness of war crimes prosecutions by their national authorities for cases being referred to their national jurisdictions.

Mr. President,

10. More than 20 years ago, the Security Council decided to create the international criminal tribunals for the former Yugoslavia and Rwanda to try those responsible for serious violations of international humanitarian law, including genocide, mass rape, and ethnic cleansing.

11. The painful truth is, if the Security Council had the political will to prevent or stop the mass atrocities committed in Rwanda and in the Balkans region and uphold its responsibility to maintain international peace and security under the UN Charter, there would be no necessity for both Tribunals to be created.

12. However, in the bloody aftermath of the conflicts in Rwanda and in Bosnia and Herzegovina, the Security Council owes it to the victims to bring the perpetrators to

justice for their heinous crimes. We also owe it to the victims to remain firm in our commitment to justice and accountability many years later, and to fully support the Tribunals to fulfil their mandate until the end of their operation. We simply do not have the moral standing to disown the Tribunals.

13. Malaysia thus finds it rather incredulous that the priorities of ensuring justice and due process seemed to be buried in overwhelming concerns on budget and deadline.

14. There is no doubt that the historic legacy of the ICTY and the ICTR in ending impunity and in laying the foundation for international criminal justice will remain long after the Tribunals' closure. What is less obvious is whether the Security Council will also be on the right side of history in supporting the Tribunals and the Residual Mechanism all the way in ending impunity.

I thank you, Mr. President.
