

**PRESS RELEASE**

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PRESIDENT

Arusha, The Hague, 9
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President Meron presents fourth Annual Report to the United Nations General Assembly and calls on Turkey to release Judge Aydin Sefa Akay from detention

President Theodor Meron today presented the fourth Annual Report of the Mechanism for International Criminal Tribunals ("MICT") to the United Nations General Assembly and briefed the Assembly on the ongoing detention of a Judge of the Mechanism, Judge Aydin Sefa Akay of Turkey, by Turkish authorities.

In his remarks, President Meron first highlighted relevant judicial developments, noting that the Mechanism is seised of the retrial in the case of Jovica Stanišić and Franko Simatović, and appeals in the cases of Radovan Karadžić and Vojislav Šešelj. He further observed that Mechanism Judges continued to address a wide variety of requests and applications, and that, since its establishment, the Mechanism has issued in excess of 800 judicial orders and decisions.

The President proceeded to note that, with the closure of the International Criminal Tribunal for Rwanda ("ICTR") in December 2015, the Mechanism has assumed responsibility for all remaining functions of that Tribunal, and preparations for the transfer of relevant remaining functions of the International Criminal Tribunal for the former Yugoslavia's ("ICTY") continue, in anticipation of that Tribunal's expected closure at the end of 2017. In addition, the President expressed his ongoing appreciation to the Mechanism's Host States, the United Republic of Tanzania and the Kingdom of the Netherlands, for their continued support of the Mechanism, and highlighted the reliance of the Mechanism on Member State cooperation in relation to key aspects of its work. The President also took the opportunity to inform the Assembly that the opening of the Mechanism's new premises in Arusha will take place in less than three weeks from today and that the project, which incorporates best practice from other UN capital projects, remains within budget.

President Meron then took the opportunity to draw attention to a serious matter impacting upon the effective discharge of the Mechanism's mandate. He advised the Assembly of the detention of Judge Akay on or around 21 September 2016, in relation to allegations connected to the events of July 2016 directed against the constitutional order of Turkey, and that Judge Akay has remained in detention since that time. President Meron noted that as a result of Judge Akay's detention, the proceedings to which Judge Akay had been assigned have necessarily come to a standstill, with corresponding implications for the fundamental rights of the applicant to the determination of his claims within a reasonable time.

In this context, President Meron underscored that *"judicial independence is a cornerstone of the rule of law, and it is longstanding and consistent practice to accord international Judges privileges and immunities in order to protect the independent discharge of their judicial functions."*

Expressing his personal concern for the welfare of Judge Akay, the President also reported to the Assembly that the UN Office of Legal Affairs, on behalf of the Secretary-General, had formally asserted diplomatic immunity, in accordance with the Mechanism's Statute, and, as a consequence, had requested Judge Akay's immediate release from detention and the cessation of all legal proceedings against him. In that regard, President Meron expressed regret that the Government of Turkey has not as yet acted upon this formal request.

In closing, the President called upon the Government of Turkey to comply with its international obligations under Chapter VII of the UN Charter and to immediately release Judge Akay from detention. He underscored that the resolution of this matter was essential not only for the Mechanism to efficiently and effectively perform its mandate but *"for all of us if we are to bring about an era of accountability based upon and enshrining respect for the rule of law, for which judicial independence is fundamental."* In concluding, President Meron reminded the Assembly that *"to accomplish this, it is essential that all Members of the United Nations, in addressing vital requests from Chapter VII*

tribunals, act in accordance with good faith, the duty to cooperate, and unimpeachable due process.”

[President's speech](#)

[Annual Report](#)

The Mechanism for International Criminal Tribunals (MICT) was established by UN Security Council Resolution 1966 (2010) to complete the remaining work of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia after the completion of their respective mandates. The MICT has two branches, one in Arusha, Tanzania, and one in The Hague, Netherlands.

External Relations Office, The Hague

Tel: +31 70 512 5691 Email: mict-press@un.org

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