



Security Council

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Statement by the President of the Security Council

At the 5052nd meeting of the Security Council, held on 6 October 2004, in connection with the Council's consideration of the items entitled "Justice and the Rule of Law: the United Nations Role", and "Post-conflict national reconciliation: role of the United Nations", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council thanks the Secretary General for his report dated 3 August 2004, which reissued on 23 August 2004 (S/2004/616), and reaffirms the vital importance that the Council attaches to promoting justice and the rule of law, and post-conflict national reconciliation. The Council will consider, as appropriate in its deliberations, the recommendations set out in paragraph 64 of the report.

"The Security Council urges the Secretariat of the United Nations to make proposals for implementation of the recommendations set out in paragraph 65 of the report, and draws attention in particular to the importance of the practical measures set out in that paragraph that can be implemented rapidly, including coordination of existing expertise and resources, setting up data bases and web based resources and developing rosters of experts, workshops and training. The Council urges Member States which are interested in doing so to contribute national expertise and materials to these developments within their means, and to improve their capacities in these areas.

"The Security Council recalls the important statement made by the Secretary General to the 59th session of the United Nations General Assembly on 21 September 2004 and endorses his view that 'It is by reintroducing the rule of law and confidence in its impartial application that we can hope to resuscitate societies shattered by conflict'. The Council stresses the importance and urgency of the restoration of justice and the rule of law in post-conflict societies, not only to come to terms with past abuses, but also to promote national reconciliation and to help prevent a return to conflict in the future. The Council emphasizes that such processes must be inclusive, gender-sensitive and open to the full participation of women.

"The Security Council underlines the importance of assessing the particular justice and rule of law needs in each host country, taking into consideration the nature of the country's legal system, traditions and institutions, and of avoiding a 'one size fits all' approach. The Council

recognizes that building national capacities and independent national institutions is essential, that local ownership and leadership in that process should be encouraged and respected, and that international structures can play a complementary and supportive role.

“The Security Council emphasizes that ending the climate of impunity is essential in a conflict and post-conflict society’s efforts to come to terms with past abuses, and in preventing future abuses. The Council draws attention to the full range of transitional justice mechanisms that should be considered, including national, international and ‘mixed’ criminal tribunals, truth and reconciliation commissions, and underlines that those mechanisms should concentrate not only on individual responsibility for serious crimes, but also on the need to seek peace, truth and national reconciliation. The Council welcomes the report’s balanced appraisal of the lessons to be learned from the experience of the ad hoc international criminal tribunals and ‘mixed’ tribunals.

“The Security Council recalls that justice and rule of law at the international level are of key importance for promoting and maintaining peace, stability and development in the world. The Council underlines also the importance of helping to prevent future conflicts through addressing their root causes in a legitimate and fair manner.

“The Security Council warmly welcomes the Secretary General’s decision to make the United Nations work to strengthen the rule of law and transitional justice in conflict and post-conflict societies a priority for the remainder of his tenure. The Council invites the Secretary General to keep it informed on the Secretariat’s progress in taking forward the recommendations set out in paragraph 65 of the report and expresses the intention to consider this matter again within 6 months.”
