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Tribunal Pénal
International pour
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ADDRESS

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PRESIDENT

The Hague, 22 June 2017

Opening Address at the Final ICTY Legacy Conference in Sarajevo 22 June 2017

Excellencies, distinguished guests, ladies and gentlemen,

Dobrodošli

A very good morning to you all. I am Judge Carmel Agius, President of the International Criminal Tribunal for the former Yugoslavia, and it is my sincere pleasure, and honour, to welcome you to the ICTY's final Legacy Conference here in beautiful Sarajevo. This Conference promises to be a very special event - a highlight of the Tribunal's final year - and I am glad you have joined us for the occasion. As the Tribunal's last President, and also on a more personal level, I am thrilled to see so many of you here, and to know that there is so much interest in discussing the legacy of the ICTY over the coming days.

I am joined on stage by my colleagues, the other Principals of the Tribunal: the Prosecutor, Mr Serge Brammertz, and the Registrar Mr John Hocking, who will also be welcoming you on behalf of the Tribunal.

Allow me also to acknowledge with pleasure the presence here with us of his Excellency, Mr Dragan Čović, who is honouring us with a welcome address on behalf of the Presidency of BiH and the host country. I would like to sincerely thank President Čović for being here today, and for what I am sure will be an address that sets the tone for this wonderful event. I also wish to thank the other members of the BiH Presidency, his Excellency Mr Ivanić and his Excellency Mr Izetbegović, who unfortunately cannot be with us today.

In addition, I must express my appreciation for the warm hospitality of the Mayor of the City of Sarajevo, Mr. Abdulah Skaka, and of course I must not fail to mention the citizens of Sarajevo who have been so welcoming.

Of course, this Conference would not have been possible without the extremely generous funding provided by our donors: Austria, Finland, Germany, Malta, the Netherlands, Switzerland, and last but certainly not least, the European Union. On behalf of the entire Tribunal I wish to sincerely thank you all for your continued support. Finally, I take this opportunity to express my gratitude to all of the Tribunal staff who have been working tirelessly over many months in planning and organising this important event.

You may have noticed a very recent change in our planned program for today's opening session. I regret to inform you that, due to unforeseen and grave personal reasons, Professor Cherif Bassiouni was unable to travel to Sarajevo to deliver his much-awaited Keynote Speech.

I can assure you that it was with great reluctance and sadness that Professor Bassiouni withdrew from this Conference, and we will certainly miss his presence and contribution. Professor Bassiouni is a good friend of mine, and I will be in touch with him later in the day to convey the best wishes of all of us here, and to thank him for the important role he has played over several decades in the promotion and furtherance of

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international criminal justice. Instead, we have a special surprise for you, in the form of a short video message from the always-amazing Benjamin Ferencz, who is the the last surviving Prosecutor of the Nuremberg Trials.

[VIDEO]

What an inspiration!

As you know, the ICTY will close its doors at the end of 2017, after almost quarter of a century of operations. Its creation by the United Nations Security Council back in 1993, and notably while the conflict in the Balkans was still ongoing, was a bold, innovative, and unprecedented experiment. It was borne out of shock that such horrific events, such crimes, could be happening again on European soil less than 50 years after the end of WWII, and out of a genuine political will to stop the conflict and bring the perpetrators to account.

No-one at that time could have known exactly how the Tribunal would function or develop, or foreseen all of the achievements and challenges that lay ahead. Indeed many predicted that we would fail; others predicted that we would prosecute only a few persons, and close down within a couple of years. My guess is that no-one back then anticipated a Tribunal that would manage to successfully bring to justice all 161 of its indictees, including persons at the highest military and political levels; that would make such an immense contribution to the development of international humanitarian law and international criminal law; and that would serve as a catalyst and an example for all of the other international criminal courts and tribunals that have come since.

The Tribunal's role developed over the years because in many ways we had to "learn by doing". Over more than 24 years the ICTY has certainly had its fair share of both successes and difficulties, and we have learned many lessons along the way. This is precisely why we are gathered together now. Our mission over the coming two and a half days is to dive deep - as deep as we can - into all of these issues and to share with you what we have learned throughout the Tribunal's journey. In particular, we will be asking what stakeholders in the region can take away from our experience, and how they - how you - can build on the Tribunal's achievements in the years and decades to come.

We will be looking at various aspects of the Tribunal's legacy through a multi-disciplinary lens, and engaging in a series of dynamic discussions with experts and practitioners, both from the former Yugoslavia and elsewhere, as well as those involved in the ICTY. The aim of this Conference is to "pass on the baton" to stakeholders in the region, because it is you who will, in many ways, be responsible for carrying on the Tribunal's legacy beyond 2017.

Of course, probably everyone here will have his or her own view as to what is the most important legacy the Tribunal will leave behind, and the extent to which the Tribunal has or has not been a success. Certainly, we have been criticised, as well as praised, over the years, for example in relation to why we have taken so long and why we have cost so much. I can understand some of the concerns. However, often the criticisms reflect a misunderstanding of the nature and purpose of the Tribunal, which is a court of law with a limited mandate. The Tribunal was not mandated to achieve reconciliation in the region, for example, and it was never meant to bring to justice all of those responsible for the crimes committed during the war. The task given to it by the Security Council was to try "those most responsible" for these crimes and "thus contribute to the restoration and maintenance of peace in the region."

For me, and I have said it many times before, the Tribunal's most fundamental legacy is its groundbreaking role in the fight against impunity. The Tribunal has shown that it is possible to hold perpetrators of the most heinous crimes accountable, and to bring

them to justice - regardless of their position or level. Indeed it has demonstrated that trials of genocide, war crimes, and crimes against humanity are possible in the modern age, and that no-one is immune from accountability.

To conclude, I feel immensely proud of the Tribunal's achievements, despite all the challenges, and honoured to be entrusted with the responsibility of closing it down in December. I thank you for being here, and I very much look forward to our discussions together in the coming days.

I would now like to give the floor to Prosecutor Serge Brammertz.

[Prosecutor speaks and gives the floor to Registrar]

[Registrar speaks and gives the floor to President Čović]

Thank you, your Excellency for your wonderful words. This concludes our inaugural session. I would now ask all participants to please stay in your seats and allow us a few moments to escort his Excellency President Čović out of the room and also to prepare for the first panel of the Conference on Normative Legacy.

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