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ADDRESS

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Belgrade, 2 November 2017

Remarks by ICTY President, Judge Carmel Agius Diplomatic Briefing

Excellencies and distinguished guests,

Good afternoon and a very warm welcome to you all. I wish to thank you sincerely for attending today's briefing, which demonstrates your interest in the work and achievements of the International Criminal Tribunal for the former Yugoslavia (ICTY or Tribunal). I know that a number of you are representing countries or organisations that have either been very supportive of the Tribunal over the years or have followed our work very closely, so I am pleased to have this opportunity to meet with you and to brief you on the Tribunal's activities in its final months. I greatly value your presence.

First of all, please allow me to introduce myself. I am Carmel Agius, the last President of the ICTY and a Judge of the ICTY Appeals Chamber, as well as a Judge of the International Residual Mechanism for Criminal Tribunals (MICT or Mechanism). I have been an ICTY Judge for over 16 years now, and before becoming President served as Vice-President for four years, as well as Chair of the Rules Committee over many years. I confess that, when I arrived in The Hague and was assigned to my very first case (the Brđanin trial), I never expected that, so many years later, I would be entrusted with the responsibility of guiding the Tribunal to its closure on 31 December 2017. I consider this to be a true honour and privilege, of course on a personal level, but also because I am very proud of what the Tribunal has achieved over almost a quarter of a century since its establishment back in 1993. I am also extremely proud of my Colleagues the Tribunal's Judges, as well as all of the superb staff who have been so dedicated and hard-working in the pursuit of international criminal justice.

Before coming to Belgrade I had just returned from New York, where I presented the Tribunal's final Annual Report to the General Assembly. In less than a month, I will travel to United Nations Headquarters again in order to deliver the Tribunal's last-ever Completion Strategy Report to the Security Council. These reporting exercises are extremely valuable and are an important part of the accountability efforts that institutions like the ICTY owe to their constituents, particularly when the United Nations, Member States and other stakeholders have invested so much to ensure that we successfully achieve our mandate.

It seems hard to believe, but there are now only two months left in the life of the ICTY. In fact, the Tribunal's imminent closure is the reason I am here in Belgrade on official mission, as I wanted to pay a courtesy visit - and my respects - to the Government of Serbia before we close down, and to take this final opportunity to discuss matters of mutual interest. My visit is the third and final part of a series of official visits I have paid to the countries of the former Yugoslavia in the ICTY's final year, the other trips being to Zagreb and Sarajevo in February and June 2017, respectively.

Over the last two days, I have been very fortunate to be able to meet with representatives of the Serbian government at the highest levels, including President Aleksandar Vučić, Prime Minister Ana Brnabić, First Deputy Prime Minister and Minister of Foreign Affairs Ivica Dačić, and the Minister of Justice Nela Kuburović, along with Judges of the Supreme Court

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of Cassation, the High Court in Belgrade which deals with War Crimes, and the War Crimes Chamber of the Appeals Court, as well as members of civil society.

The main topics I have been raising during my visit include the facilitation of regional cooperation regarding the domestic prosecution of crimes committed during the conflicts of the 1990s, the legacy of the Tribunal, and the possible establishment of an ICTY Information Centre in Serbia. While I can't go into the details of everything that was discussed, I must acknowledge the receptiveness of the Serbian Government - not only to meet with me, but also to listen to what I had to say - and indicate how pleased I am with the frank, open, and productive discussions we have had. For these, I am most grateful.

I will return to the mentioned issues shortly, but first allow me provide you with a brief outline of the Tribunal's primary focus in the final stretch, which is of course completing the remaining cases. We have two substantive cases left, the final and very important trial case of Prosecutor v. Ratko Mladić, and the final appeal case of Prosecutor v. Prlić et al., which is the largest ever appeal before the Tribunal, with seven appellants including the Prosecution. I am pleased to inform you that judgement in both cases has now been scheduled. The Mladić judgement will be delivered on 22 November 2017, and the Prlić et al. judgement one week later, on 29 November 2017. The Tribunal's Judges and Chambers staff are in the very final stages of deliberations and judgement drafting, and have been working day and night to make sure that the Tribunal will complete all of its judicial work on time, and in accordance with previous forecasts.

You may or may not be aware that the mandate of the Tribunal's Judges, given to us by the United Nations Security Council, will also end this month with the delivery of both judgements - the exception being myself. In my capacity as President of the Tribunal, I have a mandate for a further month to essentially close the Tribunal down.

This brings me to another of our main focuses, being a successful and efficient liquidation process, and the smooth transfer of all any residual functions to the MICT. Our liquidation efforts have been led by a Liquidation Taskforce under the overall supervision of the Registrar, and I can confirm that we have made very good progress. By the end of 31 December 2017, all Tribunal assets will have been transferred to the MICT or otherwise disposed of; all commercial and non-commercial contracts will have been concluded or transferred into the name of the MICT; all Tribunal archives will have been transferred to the MICT; and all ICTY staff members will conclude their contracts either on 30 November or 31 December. Certain liquidation tasks will by necessity extend into 2018, including dealing with the separation and repatriation of staff members whose contracts end on 31 December 2017, and closing the financial accounts, but these will be dealt with by the MICT.

I turn now to the Tribunal's legacy. Consolidating and preserving the image and work of the Tribunal has been a key priority of my Presidency since I was elected in November 2015. Our upcoming closure has given rise to some precious final opportunities for the Tribunal to host events aimed at opening up discussion on the myriad aspects of the Tribunal's legacy. Indeed, over more than 24 years of operations, there have been many achievements and contributions made by the ICTY, and also many challenges and lessons learned. In my view, the Tribunal's most fundamental contribution and legacy is its groundbreaking role in the fight against impunity. The ICTY 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. 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. While the ICTY has certainly not been universally liked, and in fact has been roundly criticized in some quarters, I believe that its contribution in this and many other respects will stand the test of time. History will indeed judge us all.

In an effort to cement the legacy and be able to offer insights that may be of use to other international courts and tribunals, as well as stakeholders in the region and the international community more broadly, we developed a series of legacy and closing events entitled ICTY Legacy Dialogues. So far the series has included a major Legacy Conference in Sarajevo in June 2017, which was extremely well attended by a wide range of participants from the region and elsewhere, and at the end of which we adopted a set of Conclusions and Recommendations that we trust will continue be of value after the Tribunal's closure. These Conclusions and Recommendations are attached to the ICTY's final Annual Report of August 2017.

In addition to the Conference, the Tribunal has organised a Legacy Lecture series, various workshops, and the launch of documentaries produced by the ICTY's Outreach Programme. The feedback on the ICTY Legacy Dialogues so far has been extremely positive. Still to come in the series are the Tribunal's final Symposium, which will be a full-day academic event on 18 December in The Hague. This Symposium will focus on the ICTY's contribution to international criminal law, to other courts and tribunals, and to the region of the former Yugoslavia, and promises to provide some wonderful food for thought. Finally, we will host a commemorative event in New York on 4 December, and a formal Closing Ceremony in The Hague on 21 December. I very much hope that representatives of your respective governments will be able to participate in one or more of these events, for which invitations will be sent shortly.

In my view, a very important part of our legacy - and this brings me back to one of the topics discussed during my official meetings this week - will be the establishment of ICTY Information Centres here in the region of the former Yugoslavia. These Centres will provide access to all of the public archives of the Tribunal, including judgements and decisions, transcripts, exhibits and more, and will constitute an extremely valuable resource open to anyone who wishes to learn more about the ICTY, its cases and work, and the conflicts of the 1990s. A Memorandum of Understanding has been signed in respect of an Information Centre to be established in Sarajevo and we hope that centre will open in the near future. In addition, negotiations are underway in respect of a Centre in Potočari, Bosnia and Herzegovina. I can share also that a Memorandum of Understanding is currently being negotiated for an Information Centre in Zagreb, Croatia. Finally, I am extremely pleased that, during this week's meetings, the Government of Serbia has expressed interest in hosting a Centre here in Belgrade, and I hope to get the ball rolling on this at a working level as soon as I return to The Hague. I see this as a very positive development indeed.

Finally, I wish to briefly touch upon the issue of cooperation, particularly as it pertains to the prosecution before courts in the region of crimes committed during the 1990s conflicts. As I mentioned in my bilateral meetings this week, I believe such cooperation will be crucial for any prospects of long-term peace and stability in the former Yugoslavia. There are simply too many victims of the conflicts who still cry out for justice, and after the Tribunal is gone, almost the sole responsibility for delivering that justice will be borne by the governments and judicial systems in the region. Yes, the MICT will remain, but it is a lean institution with limited residual functions and a limited life span. There is therefore a need for continued support and assistance to the relevant institutions and actors on the ground, so that they will be able to process the hundreds, and thousands, of pending cases.

In closing, I wish to thank you all again for your attendance today and would be interested to take any questions you may have.
