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Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# STATEMENT

*(Exclusively for the use of the media. Not an official document)*

PROSECUTOR

The Hague, 9 December 2015

Address of Mr. Serge Brammertz  
Prosecutor, International Criminal Tribunal for the Former Yugoslavia  
to the United Nations Security Council

Mister President, Excellencies,

Thank you for this opportunity to again address you on the Office of the Prosecutor's progress in completing our mandate.

In this reporting period, we continued to undertake all efforts to complete our work on the Tribunal's final trials and appeals.

The final four trials and three appeals are ongoing. My Office is awaiting the issuance of trial judgements in two trials, Karadžić and Šešelj. In the Mladić case, we remain focused on responding to the evidence presented by the defence in the minimum time necessary to fulfill our obligations. In the Hadžić case, my Office continued to pursue all reasonable options to permit the completion of this trial.

In relation to appeals, during the reporting period my Office presented its oral arguments in the Stanišić and Simatović case, and we note the scheduled delivery of the appeal judgement in that case next week. Next week we will also present our oral arguments in the Stanišić and Župljanin case. And finally, the Prlić et al. appeal is now fully briefed and we await scheduling of the oral arguments.

Attrition remains a persistent challenge. During the reporting period, many of our Appeals Division staff were recruited by the MICT OTP. The Mladić trial team also continued to experience significant attrition.

Nonetheless, my Office is overcoming this and other challenges. We have continued to downsize even with slippages in the court schedule, abolishing 50% of our posts since January 2014. By improving the efficiency of our operations and flexibly managing our staff resources, we have ensured that attrition does not delay the completion of our work. In the final phase of our mandate, we will increasingly look to the MICT OTP for support through double-hatting and other cost-efficient arrangements, just as we supported the MICT in its start-up phase.

Mister President, Excellencies,

The countries of the former Yugoslavia continue to cooperate with my Office and respond, as required, to our requests for assistance. Even at this late stage in the Tribunal's mandate, state cooperation remains essential to enable the completion of our work on schedule. I trust therefore that in regard to the contempt case made public last week, Serbia will continue its recent record of full cooperation and appropriately execute the Tribunal's arrest warrants.

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In regard to the Category II cases my Office transferred to national prosecutors, my previous reports noted our significant concerns with delays by the Prosecutor's Office of Bosnia and Herzegovina in processing these cases. During my mission to Sarajevo in May this year, the Chief Prosecutor gave me his assurances that prosecutorial decisions would be taken in all remaining Category II cases by the end of the year.

I am pleased to report that, in large measure, this pledge has been honored. While a few cases may not be finalized until early next year, it is clear that over the last six months the Prosecutor's Office redoubled its efforts and redeployed significant resources to these cases.

Throughout the region there continues to be progress in national war crimes prosecutions, although it is uneven and fragile.

In Bosnia and Herzegovina, the Prosecutor's Office has reported that it filed a significant number of indictments in the last few years. My Office welcomes these results, but also notes that the targets established in the National War Crimes Strategy will not be met by a significant margin. My Office encourages the Prosecutor's Office to dedicate its efforts to prosecuting the most complex and highest-priority cases, in accordance with the National War Crimes Strategy. In addition, cooperation between prosecutors' offices at the state, entity, district and cantonal levels remains problematic, and there is general consensus that the justice sector is not yet meeting the public's expectations.

In Serbia, important results continue to be achieved, including in regional cooperation and the exhumation of mass graves. My report emphasizes that the accountability process in Serbia is at a critical crossroads. Further progress requires strong political commitment. In this regard, the fact that last week senior government ministers escorted and welcomed a convicted war criminal, General Vladimir Lazarević, back to Serbia upon his release sends absolutely the wrong signal.

In Croatia, there was an important development in regional cooperation with the transfer of Category II cases from Bosnia and Herzegovina to Croatian authorities. In addition, Croatian authorities last week began exhumations of a mass grave believed to contain the remains of Croatian Serbs killed during Operation Storm. The Croatian judiciary now has the important opportunity to visibly demonstrate that the accountability process continues in an independent and impartial manner.

While recognizing the progress that has been made, it is clear that throughout the former Yugoslavia, more accountability can and should be achieved. Victims from every group are dissatisfied that investigations of many notorious incidents remain unresolved after so many years. While those who directly committed crimes are being brought to trial, impunity remains the rule for senior and mid-level leaders who planned, ordered and facilitated the crimes. Regional cooperation continues to face many challenges, and in some respects has regressed.

These challenges can be addressed with political will and appropriate technical assistance. Within existing resources, my Office will continue to support national judiciaries in achieving fuller accountability, as we have since the Completion Strategy was adopted.

Mister President, Excellencies,

Missing persons from all sides of the conflict must be found and identified. Enormous progress has been made, thanks to the work of organizations like the International Commission on Missing Persons. But far too many families still do not know the fate of their loved ones.

During my mission to Sarajevo, I met with national authorities responsible for missing persons and their international partners. They were unanimous that to achieve further meaningful progress, those who know where mass graves and other burial sites are located must be encouraged to come forward. Yet today, in many parts of society, war criminals are still glorified, and people providing information about missing persons risk being branded traitors and exposed to possible retribution.

My Office calls upon all states in the region to undertake prominent public awareness campaigns encouraging witnesses, including perpetrators of the crimes and their associates, to come forward with information about missing persons. The safety and security of such individuals must be guaranteed. Decisive steps must be taken as a matter of urgency if this challenge is to be overcome.

Mister President, Excellencies,

As the end of our mandate approaches, my Office has a limited window of opportunity to distil our key operational insights and make them available for others in the future. We believe this is critical to maximize the value of investments in our work and strengthen future prosecutions by other courts.

As a first contribution, my Office has now completed a detailed assessment of our work on prosecuting conflict-related sexual violence crimes, which will be published in April next year. We have taken an honest look at the challenges we faced, the strategies we adopted, the results we achieved and the things we could have done better. We have crafted the publication to be a practical resource for other prosecutors who are grappling with similar challenges.

This process has also underscored the need for similar legacy processes on a number of other key topics. Within the limits of our existing resources, we will ensure that the opportunity to disseminate crucial insights is not lost before we close.

Mister President, Excellencies,

In conclusion, the foremost objective of my Office is completing our remaining cases in accordance with the Completion Strategy. We will continue downsizing staff and significantly reducing expenditures.

We will also continue to support and build capacity in national criminal justice sectors prosecuting war crimes in the Western Balkans. I firmly believe that as a result of this Council's leadership, the former Yugoslavia is one of the most successful examples of complementarity in international criminal justice.

Yet the Completion Strategy is not simply a matter of winding down operations and transitioning our responsibilities to national courts. At the Tribunal, our final cases are among the most important we have undertaken.

It is anticipated that in a few months the trial judgement will be delivered in the case against Radovan Karadžić, former President of the Republika Srpska. The significance of this moment should not be overlooked.

While in accordance with the mandate given by this Council, my Office brought many prosecutions against military and civilian leaders from all parties to the conflicts, the Karadžić and Mladić trials perhaps best exemplify why this Tribunal was created, as well as the many challenges we have had to overcome.

For that reason, their successful completion will be an unmistakable demonstration of the commitment shown by this Council, the United Nations and its Member States to international peace, security and justice.

Thank you for your attention.