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Criminal Tribunal
for the former
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Tribunal Pénal
International pour
l'ex-Yougoslavie

STATEMENT

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PROSECUTOR

The Hague, 4 June 2008

ADDRESS OF SERGE BRAMMERTZ, PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA TO THE SECURITY COUNCIL 4 JUNE 2008

Mr. President,
Excellencies,

I am honoured to appear before you again, for the first time in my capacity as ICTY Prosecutor. I will brief the Council on the progress made in the implementation of the Tribunal's Completion Strategy since my predecessor's last report.

At the outset, I would like to say that it is a great privilege for me to have been entrusted with the mandate of Prosecutor of the International Tribunal, an institution which, despite great odds, succeeded in bringing to justice many of those who bear the greatest responsibility for atrocities committed in the former Yugoslavia. This success is the result of the combined efforts of my predecessors, the Tribunal's Judges, the dedicated staff and the courage of witnesses that came forward to testify. Still, none of this would have been possible without the assistance of States, international organizations and the endless support of those active in civil society.

I will now address developments in the following areas: the ongoing and pending judicial proceedings, interaction with prosecutors in the region, and the cooperation of States.

Mr. President,
Excellencies,

The Office of the Prosecutor is fully committed to completing all trials and appeals, in accordance with its mandate. Of the 28 individuals on trial, only 8 are in the Prosecution phase of the case. There have been no arrests during the reporting period and four accused are still at large: Ratko Mladić, Radovan Karadžić, Stojan Župljanin and Goran Hadžić.

Over the past six months, the Office of the Prosecutor has taken a number of steps to reduce the time necessary to present the prosecution case in ongoing and upcoming trials. We are firmly engaged in finding ways to expedite proceedings without diminishing the prosecution's case. My Office is actively and constructively working with the Judges in exploring ways to speed up proceedings. We have substantially reduced the length of time in our cases by using more written evidence instead of live witness testimony. We also continue to look to improve the transition from pre-trial to trial and to have all issues decided pre-trial except those involving live witness testimony.

The objective of these measures is to achieve greater efficiency in the presentation of necessary evidence while proving the essential nature and scope of each accused's responsibility.

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I am, however, greatly concerned with regard to the problems of witness protection, which directly affect our ability to present a case in an effective and timely manner. Interference with witnesses, particularly in the form of witness intimidation, has become increasingly frequent and problematic. Witnesses have been intimidated and threatened and, as a result, refused to testify or reversed their testimony. Where appropriate, we have addressed these concerns together with the Registry and Chambers. We have also conducted formal investigations, some of which resulted in indictments charging individuals with contempt of the Tribunal. Unfortunately, despite these efforts, the problems are not abating.

This is why I ask States in which witnesses reside to assist the International Tribunal by ensuring that necessary measures are taken to avoid any witness interference. International trials will only succeed if witnesses are protected from intimidation and threats.

Mr. President,
Excellencies,

As the International Tribunal nears the completion of its mandate, cooperation between my Office and national judicial and prosecution authorities becomes ever more important and is now a focal point of our activities. Their roles are crucial for the strengthening of justice in the former Yugoslavia.

With the assistance of the OSCE, we continue to monitor all cases transferred pursuant to our Rules of Procedure and Evidence. At the same time, we remain actively involved in transferring investigation files and other material, including evidence that is requested by national prosecutors.

We work closely with national judicial and prosecution authorities from the former Yugoslavia and assist them so that they can continue to effectively prosecute war crimes cases. Since I took office, I have had several fruitful meetings with the State and War Crimes Prosecutors from the region. Last month, I attended a successful conference in Croatia with prosecutors from the region, which resulted in a renewed commitment from all participants to intensify national war crimes prosecutions and strengthen cooperation amongst each other.

I am determined to reinforce professional ties with national prosecutors and develop true partnerships. I will also continue to explore further methods of cooperation, such as engaging prosecutors and experts from the region and our office to facilitate the sharing of expertise and provide practical hands-on training. I kindly ask the international community to support such initiatives.

International support to national courts in the former Yugoslavia will remain crucial in the coming months and years. In this respect, I am very concerned that future funding for the War Crimes Department in the Office of the Prosecutor of Bosnia and Herzegovina may be reduced, and that international prosecutors may leave, thereby jeopardizing the work of the State Court. I hope funds will be made available as I believe that the role of the War Crimes Prosecutor and Chamber is crucial in strengthening Bosnia and Herzegovina's still fragile justice system.

Mr. President,
Excellencies,

In order to succeed in fulfilling our mandate, we still rely heavily on cooperation from the States of the former Yugoslavia and the support of the international community. Since I took office, I repeatedly called upon these States to fully cooperate with my Office. I have specifically requested access to archives and documents and the arrest and transfer of the remaining four fugitives.

Although Croatia has, in the past six months, made available certain archival materials, a number of important requests for key documents required for ongoing trials are still pending. As these trials are in progress, it is crucial that the requested documents be made available immediately.

Bosnia and Herzegovina has generally responded in a satisfactory way to requests for assistance. We would, however, like to encourage the authorities in Bosnia and Herzegovina to adopt a more pro-active approach against those helping the fugitives evade justice.

Serbia has provided adequate responses to a number of requests for assistance. However, significant obstacles remain in relation to access to some key archives and documents for ongoing trials and those that are about to begin in the near future. In the next weeks, teams from my Office will meet again with senior officials in Belgrade to continue our efforts to obtain these documents.

The arrest of fugitives remains a key challenge. We strongly believe that the remaining fugitives - Ratko Mladić, Radovan Karadžić, Stojan Župljanin and Goran Hadžić - are within reach of the authorities in Serbia and that the Serbian authorities can do more to locate and arrest them. With the exception of a genuine but, alas, failed attempt to arrest Stojan Župljanin, there has been no notable progress in this critical area of cooperation during the past six months. One of the reasons given by the authorities for this lack of cooperation is the political uncertainty in which Serbia has found itself since the beginning of the year. It is my hope that the new Government will empower the security services and the Office of the War Crimes Prosecutor to search, arrest and transfer the remaining fugitives.

I ask the Council to endorse my call for international support and full cooperation from the international community and the States of the former Yugoslavia. This message is important, especially as we near the completion of ongoing trials.

Mr. President,
Excellencies,

Six months ago, I joined an institution that is well on its way to fulfilling its mandate. As an outside observer, I was impressed by the International Tribunal's achievements. Now that I am in post, I witness every day the commitment and dedication of our staff members. I therefore ask the Council to support initiatives and measures to retain the expert staff the Tribunal needs in order to conclude its work.

We are committed to fulfil our mandate. At the same time, I cannot think of a situation in which the Tribunal, having been established to try those most responsible for atrocious crimes, will close its doors without bringing to justice all remaining fugitives. During my trip to Bosnia and Herzegovina last March, I met with a number of victims' associations. After all these years, their demands for justice are unwavering and unanswered in respect of the fugitives. I was impressed by the courage of the survivors

and the clarity of their message that the accused must be tried by the International Tribunal. They have never given up. And neither can we. We owe them the justice that was promised 15 years ago, when this Tribunal was set up.

Mr. President,
Excellencies,

I thank you for your attention and I thank the Council for its support to the Office of the Prosecutor. We continue to rely on it.
