



United Nations
Nations Unies



International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

STATEMENT

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

PROSECUTOR

The Hague, 7 December 2011

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

Check against delivery

Mr. President, Excellencies,

Thank you for this opportunity to address you on our progress towards the completion of our mandate.

The major development over the last reporting period has been the arrest of the Tribunal's last fugitive. Following the arrest of Ratko Mladić on the 26th of May 2011, Goran Hadžić was arrested on the 20th of July 2011. Today, of the 161 persons indicted by the ICTY, none remain at large.

The significance of this development is multi-layered and goes well beyond simple statistics.

The arrests mean that no individual has ultimately escaped the ICTY's reach and the final impediment to completing our mandate has been removed.

The arrests also mean that an important and problematic chapter in Serbia's cooperation with the ICTY has been closed, even if it took too long and redress for the victims was much too delayed.

And we hope that the arrests mean brighter prospects for international justice. Over the past two decades, international justice has spread to more and more parts of the globe, but difficulties in arresting key suspects are all too common. It is worth reflecting on the ICTY's success and applying the lessons we have learned to other courts and tribunals. If the ICTY has no more fugitives, it is because the international community understood that, sometimes, justice is a long-term project; it is because the international community maintained pressure and provided positive incentives for Serbia to choose accountability over impunity and the rule of law over misplaced loyalty to war criminals.

Mr. President, Excellencies,

With Ratko Mladić and Goran Hadžić in custody, we are now fully occupied with finishing our trials and appeals. The completion strategy is fast becoming a reality. The evidence presentation in the majority of our trials will likely conclude in the next reporting period. Our focus will then be on the remaining trials - *Karadžić, Mladić* and *Hadžić* - as well as on managing our appellate case-load as it rapidly expands throughout the course of next

www.icty.org

Follow the ICTY on [Twitter](#) and [YouTube](#)

Office of the Prosecutor

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands

Tel.: +31-70-512-8958

year. The departure of key staff in the midst of our cases is an on-going problem requiring careful consideration and smart solutions.

Mr. President, Excellencies,

As long as we have ongoing cases, the cooperation of states, particularly in the former Yugoslavia, will remain essential. When it comes to Serbia, the arrest of the final two fugitives has put our cooperative relationship on a new, more positive, footing. In my written report I have acknowledged the good work done by the authorities in Belgrade under the leadership of the President, particularly the National Security Council, the Action Team established to track the fugitives and the Security Service operatives who carried out the arrest operations. We are also grateful to Serbia's National Council for Cooperation with the Tribunal, which coordinates responses to our requests for assistance. Thanks to the Council's work, we receive the information we need for our cases promptly, allowing us to meet our tight court deadlines.

In the next reporting period, we want to see results from Serbia's investigation into how ICTY fugitives, including Ratko Mladić and Goran Hadžić, managed to evade justice for so many years. Following the final two arrests, Serbia undertook to hold accountable any individuals who assisted the fugitives. During my visit to Belgrade in November, I saw very little follow-through on this issue and we expect more to be done.

I turn now to cooperation between my Office and Croatia. With no ongoing trials involving Croatian accused persons, my Office is making far fewer requests for assistance to the Croatian authorities. The limited requests we have made were adequately dealt with by the department for cooperation with international courts.

During my last address to the Security Council, I mentioned our concern over statements from high-level Croatian authorities that question the validity of the ICTY's work. Our concerns have been reinforced in the present reporting period. State officials at the highest level in Croatia continue to glorify illegal war-time conduct and question the impartiality of the ICTY's judgements. Legislation recently passed to annul war crimes indictments issued by Serbia against Croatian citizens reinforces our concerns. So long as these developments continue, reconciliation will be delayed and the rule of law will be derailed.

In relation to Bosnia and Herzegovina, I can report that day-to-day cooperation with my Office is proceeding well. However, we see troubling signs that the National War Crimes Strategy is struggling and urgent action is required to turn the situation around.

The case of Radovan Stanković is symptomatic of the broader problems. Stanković, a Rule 11bis transferee from the ICTY, was convicted by the State Court of Bosnia and Herzegovina and sentenced to 20 years of imprisonment. He escaped from prison in Foča more than four years ago, yet very little has been done to return him to custody. We struggle to understand why the authorities in Bosnia and Herzegovina appear unconcerned about a fugitive who has committed crimes against their citizens and who has scorned their judicial process. Neighboring countries also have a role to play in resolving the Stanković situation. Here too, little action is visible, despite our repeated requests that more be done.

More generally, during my trip to Sarajevo a month ago, I noted limited political will and insufficient resources to complete the remaining war crimes prosecutions. There is a large backlog of cases, including investigation files transferred by the ICTY, and cases are not efficiently moved between state and entity-level prosecutors. We also remain deeply concerned by frequent political attacks on the judiciary in Bosnia and Herzegovina, which undermine the National War Crimes Strategy. We ask the international community to help

Bosnia and Herzegovina steer a more successful course towards accountability for war-time atrocities.

Mr. President, Excellencies,

As the Completion Strategy builds momentum, so too do our preparations for the Residual Mechanism. In this reporting period we have continued working together with our colleagues in the ICTY Registry and the ICTR Office of the Prosecutor to facilitate a smooth transition. We have heard and understood your message that the Mechanism must be a small and efficient operation. Our first budget proposal for our counterpart office within the Residual Mechanism was drafted with this message firmly in mind. We have kept costs to a minimum by ensuring that the majority of posts are double-hatted with the ICTY for the first phase of the Residual Mechanism's operations.

Mr. President, Excellencies,

Sixteen years after the Dayton Peace Accord, we have delivered the long-awaited news that all ICTY indictees have been, or soon will be, held accountable. This positive development renews our energy for the work ahead, but at the same time we see another significant challenge looming. National war crimes strategies in the region, particularly in Bosnia and Herzegovina, are floundering. If they are left to fail, the ICTY's legacy, along with reconciliation and the rule of law, will be endangered.

It would be easy to dwell on these problems.

Instead, I want to end by emphasizing the opportunity that now presents itself for leaders in states of the former Yugoslavia. If they have the courage and commitment, these leaders could choose a future built on accountability and the rule of law instead of nationalism and strife. But to succeed, they will have to put aside narrow-minded and short-term political agendas. The international community too has a critical role to play. We ask you to show the same commitment and vision in helping states in the region cement their commitment to justice, as you have showed over the past two decades in building the ICTY's success.

* * *