



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 June 2012

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

Mr. President, Excellencies,

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

A succession of our trials is now approaching completion. By October this year when the Hadžić trial begins, only three cases will remain in the trial evidence presentation stage. At the same time, we are working diligently to prepare for the intense appellate case-load coming. Five trial judgements involving 14 defendants are expected by the end of this year.

In this reporting period, further progress has been reached in two of our most significant cases: Mladić and Karadžić.

The Mladić trial commenced on 16 May with the Prosecution's opening statement. This long awaited development took place less than one year from the date of Mladić's arrest. After Mladić's 16 year run from justice, the start of his trial was a significant day for the Tribunal and for the many victims of the alleged crimes.

In Karadžić, the Prosecution has completed its evidence presentation in just under the allocated 300 hours. The Prosecution tendered over 6,000 exhibits, reflecting the magnitude of a case spanning crimes committed during the 44 month siege of Sarajevo, the July 1995 atrocities in Srebrenica, crimes across 19 municipalities in Bosnia and Herzegovina and taking UN personnel hostage. Coordinating this volume of evidence, ensuring a seamless flow of witnesses and keeping to the strict deadlines imposed by the Trial Chamber was an onerous task. Hearings will be held in June for the Trial Chamber to determine whether Karadžić has a case to answer. If so, Karadžić will begin presenting his case in October, allowing him a fair time period to finalise preparations for his defence case.

www.icty.org

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

Office of the Prosecutor

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

Tel.: +31-70-512-8958

As we approach our mandate completion, it is increasingly important to use our resources flexibly. We have overcome a period without regular budget funds for the Mladić and Hadžić cases, unprecedented demands on our document search and review capabilities for defence disclosure purposes and high rates of staff departures at critical times. The forecast staff attrition has become a reality and there is no mechanism in place for reversing the problem. We cannot expect our staff to remain without appropriate acknowledgement of their essential role in the Tribunal's work. Staff with knowledge of ICTY cases and relevant professional skills will be needed beyond 2014 through to completion of the ICTY's last appeals before the Residual Mechanism. Strategies must be put in place to promote their continued availability.

Mr. President, Excellencies

Day-to-day cooperation provided by states of the former Yugoslavia to the Office of the Prosecutor fully meets expectations. With no more ICTY fugitives, we can, largely, focus on routine requests concerning documents and witnesses in on-going cases. Given our busy case schedule in the coming months, we will continue to rely on prompt and effective responses to our requests from Croatia, Serbia and Bosnia and Herzegovina. We look forward to continuation of our productive working relationships with regional counterparts in the next reporting period.

There are two exceptions to the generally satisfactory level of cooperation with states in the former Yugoslavia, which are impacting on the Tribunal's processes and legacy.

First, we remain concerned by Serbia's lack of progress towards investigating and prosecuting individuals who assisted ICTY fugitives while at large. We have raised this issue repeatedly over the past few years but we see little evidence of action. We expect answers to our questions as to how fugitives like Karadžić and Mladić were able to evade justice for so many years and whether state officials were involved in aiding them. During my visit to Belgrade on 22 May 2012, the Serbian Prosecutor for war crimes committed to conducting more in-depth investigations into the fugitive networks in the coming months. We await the results as a matter of priority.

The second problematic area in terms of co-operation with my Office is Bosnia and Herzegovina's slow progress in processing investigative materials transferred as part of our completion strategy. Nine of the 13 files transferred by my Office to the Prosecutor's Office of Bosnia and Herzegovina are still pending and we have not seen concrete evidence of progress since 2008. Bosnia and Herzegovina must take steps to resolve this situation.

Mr. President, Excellencies

Successful completion of the ICTY's mandate depends on a successful transition from our work to national war crimes prosecutions in the former Yugoslavia. We have adopted strategies for channelling our expertise in Balkans war crimes prosecutions to the national authorities. We have integrated into our Office liaison prosecutors from Serbia, Croatia and Bosnia and Herzegovina who serve as an interface between international and national justice. We remain grateful to the European Union for their continued financial support for these programs.

In 2011 alone, the liaison prosecutors accessed around 156,000 pages from our evidence collection for use in national proceedings. Regional requests for assistance are also growing in number and we expect this trend to continue beyond closure of the ICTY. The Residual Mechanism will need strategies to facilitate these requests. We are working with our prosecution counter-parts at ICTR to put effective Residual Mechanism structures in place for responding to requests from national authorities.

Even so, we see serious problems in the implementation of national war crimes strategies, particularly in Bosnia and Herzegovina where thousands of serious crimes still require follow-up. Unless it is made a top priority and more resources are allocated, the National War Crimes strategy in Bosnia and Herzegovina will fail.

Successful implementation of national war crimes strategies also depends on greater regional cooperation, particularly between Serbia and Bosnia and Herzegovina. The proposed war crimes co-operation protocol between prosecution offices in these two countries is still not signed, almost one year after the initial target date for signature. During my meetings in Sarajevo in May this year, I received no satisfactory explanation for the delay and political support from all sides in Bosnia and Herzegovina is needed to resolve the problem.

Mr. President, Excellencies

Finally, I want to state that recent comments made by the newly elected President of Serbia who denied that genocide occurred in Srebrenica in July 1995 are not acceptable. His statements contravene the legal and factual findings of the ICTY and the International Court of Justice. Such rhetoric is a backwards step, aggravates the victims' suffering, and jeopardizes the fragile process of reconciliation in the former Yugoslavia.

Thank you.
