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Tribunal Pénal
International pour
l'ex-Yougoslavie

STATEMENT

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PROSECUTOR

The Hague, 5 December 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 major goal was met in this last reporting period with the commencement in October of the last ICTY trial, the Hadžić case. Goran Hadžić, the former Prime Minister and President of the Serbian territories proclaimed in the Eastern Slavonia and Knin Krajina regions of Croatia, is accused of some of the first crimes committed in 1991 in the conflict in the former Yugoslavia. Extensive pre-trial preparation and timely disclosures to the defence have contributed to the expeditious conduct of the trial to date. The Prosecution currently expects to conclude its case during the early summer of 2013.

Significant progress was also made in our three other remaining trials. The trial against Ratko Mladić has progressed steadily since commencement of the Prosecutor's evidence in chief in July. The Prosecution has implemented strategies to present its evidence efficiently so that, at its current rate, the Prosecution case will conclude in July 2013.

The Karadžić trial transitioned from the Prosecution case to the Defence case during this reporting period. At the conclusion of the Prosecution case, the accused asked the trial chamber to find he had no case to answer. The Trial Chamber dismissed his motion on all counts, with the exception of the count related to genocide in municipalities throughout Bosnia and Herzegovina in 1992. Both parties' appeals against the decision have now been fully briefed and are pending adjudication by the Appeals Chamber.

The Stanišić and Simatović trial will conclude by the end of the year with the presentation of the parties' closing arguments.

As all other trials concluded during the reporting period, the Appeals Division is preparing for an influx of appellate work. By the end of this year one trial judgement will be issued, and a further three judgements involving multiple accused are scheduled for early 2013. In this reporting period, in addition to its appellate work, the Appeals Division provided substantial assistance to the Trial Division, which is reducing in size as posts are progressively abolished.

Mr. President, Excellencies

Day-to-day cooperation provided by states of the former Yugoslavia to the Office of the Prosecutor is still crucial for the successful completion of our remaining trials and appeals. Croatia, Serbia and Bosnia and Herzegovina continue to respond to our requests for assistance in a timely manner and they have fully met our expectations. During my last

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trip to Serbia in October, the new government assured me that it will maintain the previous positive levels of cooperation.

Since our last report, Serbia has also intensified its efforts to investigate support networks responsible for helping ICTY fugitives, including Mladić and Hadžić, evade justice for so many years.

Cooperation between Serbia and Bosnia and Herzegovina will also soon take a positive step forward. The legal barriers to the Protocol on Cooperation between their Prosecutor's Offices on the exchange of evidence and information in war crimes cases have been removed, and Serbia and Bosnia and Herzegovina will sign the Protocol in the near future. If effectively implemented, the Protocol will offer practical solutions for improving investigative capacity and strengthening the professional interaction between Prosecutors' offices. We welcome this recent development and encourage the parties to sign the Protocol without further delay.

Mr. President, Excellencies

The success of the Tribunal will ultimately be measured by the success of the transition from our work to national war crimes prosecutions.

Regrettably, national authorities continue to face difficulties in prosecuting war crimes cases, particularly in Bosnia and Herzegovina. We encourage Bosnia and Herzegovina to complete the processing of investigative materials transferred as part of our completion strategy and prosecute where appropriate. Six of the 13 transferred cases are still in the investigative phase. The Special Department for War Crimes confirmed its commitment to completing these investigations expeditiously when I met with them in September.

In addition to the investigative materials transferred by my Office, Bosnia and Herzegovina has a backlog of hundreds of war crimes cases and no prospect of meeting its 2015 and 2017 war crimes strategy deadlines. One of the contributing problems is the limited capacity not only of the State-level courts but also of the entity-level courts increasingly taking over responsibility for these cases. Comprehensive measures must be taken to remedy the situation.

To assist in finding solutions, we have turned greater attention to building capacity in the region to prosecute war crimes cases. We continue to pursue our long-standing strategies for channeling expertise to the national authorities, including through our Transition Team and the integration of liaison prosecutors in our Office. We also continue to support the work of our international partners, including the European Union, the OSCE and the UNDP, to train prosecutors in the region.

To build upon these activities and to promote a clearer strategy for regional capacity building, we recently deployed an expert to conduct an assessment of the training needs of prosecutors in Bosnia and Herzegovina. We conducted this assessment in close coordination with the EU and other international partners. Urgent action is needed to reduce duplication in the training programs implemented and to promote a more integrated approach.

With the support of UN Women, my Office has also intensified work on its legacy project on prosecuting sexual violence. A large volume of such crimes from the conflicts in the former Yugoslavia remain to be prosecuted. We are exploring ways for best transferring our expertise to regional counterparts to ensure the process of establishing accountability for sexual violence crimes continues.

Mr. President, Excellencies

The commencement of the ICTY Branch of the Mechanism for Criminal Tribunals on 1 July 2013 rapidly draws near. My Office increasingly turns its attention to promoting a smooth transition to the MICT, including recruitment and budgeting matters.

Mr. President, Excellencies

I do not want to conclude without mentioning the recent judgements in Gotovina and Markač and Haradinaj, Balaj and Brahimaj, which resulted in a number of reactions about the Tribunal's capacity to promote justice in the former Yugoslavia. While the underlying reasons for the acquittals in these two cases are very different, there can be no doubt that serious crimes were documented in the course of the proceedings. The victims of those crimes have the right to justice. Therefore, I encourage the national authorities in the region to continue the fight against impunity within their jurisdictions, including through increasing regional cooperation. I assure these authorities that my Office will provide support to achieve these goals.

Thank you.