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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, 12 June 2013

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.

In this reporting period, as we marked 20 years since the ICTY's creation, we witnessed significant critique of the Tribunal's work. Never before has so much been said and written about our cases, our legacy and our contribution to reconciliation in the region. Certainly for the Office of the Prosecutor, it has been a difficult and challenging period. As a party to the proceedings, we must accept the judgements issued. However, we are using, and will continue to use, all remaining legal mechanisms to press for the outcomes we think are just and that properly reflect the culpability of accused persons brought before the Tribunal.

Some of the commentary is worthy of careful attention. But despite the rising crescendo of debate about the Tribunal we will remain focused on successfully completing our last cases. The *Karadžić* trial is now well into the defence evidence presentation phase of the case. If the current swift pace continues, this will be completed before the end of this year. To promote efficiency, the *Karadžić* Prosecution team has devised cross-examinations that minimise court time, while ensuring the evidence is properly tested.

In both the *Mladić* and *Hadžić* cases, the Prosecution is continuing with its evidence presentation. In these cases too, efficiency techniques developed over previous years are minimising the amount of court time used. At the same time, the Prosecution is constantly reassessing its strategy to further expedite the process. For example, in *Mladić*, the Prosecution has reduced the number of witnesses planned from 200 to 170, after verifying that this would not have a negative impact on the outcome of the case. If the current pace continues, the Prosecution will complete its cases in both *Mladić* and *Hadžić* well before the end of this year.

In this reporting period, the Appeals Division has added four cases involving 11 accused persons to its case load. Appeals Division staff members also continue to be deployed in a flexible manner to meet urgent needs throughout the remainder of the Office.

The Prosecution's work on the last trials and appeals has been helped by good cooperation from Croatia, Serbia and Bosnia and Herzegovina. Each of these countries has responded appropriately to our requests for assistance concerning documents and access to witnesses. We will continue to require their prompt and effective responses to our requests in the next reporting period.

Mr. President, Excellencies,

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In my recent reports and addresses to the Security Council, problems affecting national war crimes strategies in the former Yugoslavia - in particular in Bosnia and Herzegovina - have become an increasingly disturbing refrain. These problems remain and urgent action is needed on many fronts if the situation is to be corrected.

In this regard, I will travel to Sarajevo at the end of June for in-depth discussions on the status of the nine pending Category II cases transferred from the Tribunal to Bosnia and Herzegovina. At the same time, my Office will hold a practical information session for entity level Prosecutors about accessing materials from our databases. We want a greater commitment to using the resources available in The Hague. We also want to identify current obstacles to accessing materials as well as possible solutions.

We have a number of other initiatives on-going to build capacity. These include a detailed proposal for a co-ordinated and comprehensive training program with built-in follow-up to ensure results; the development of resources to transfer expertise from the ICTY for sexual violence prosecutions; and the joint ICTY/EU liaison prosecutor and young professionals program, which is now in its fourth year. And of course, we continue to respond to requests for assistance from national authorities engaged in war crimes cases arising out of the conflict in the former Yugoslavia. Interestingly, we received an increased number of requests in this reporting period compared to the previous six months.

The international community is also playing an important role with capacity building in Bosnia and Herzegovina. We are particularly grateful to partners such as the European Union, UN Women, OSCE and UNDP who are working with us on many of the initiatives I have mentioned today.

But of course, our efforts will bear little fruit until political leaders on all sides genuinely commit to making national war crimes strategies successful. In this reporting period we saw signs of progress with the conclusion of two regional co-operation protocols for war crimes prosecutions: one between Serbia and Bosnia and Herzegovina and the other between Croatia and Bosnia and Herzegovina. This is a step in the right direction, but the states involved must now turn their words into concrete action. More generally, we strongly encourage the responsible authorities to make adequate resources available to successfully implement their national war crimes strategies. We also ask you, the member states, to remain committed to ensuring positive results.

I would like to highlight two other issues concerning regional commitment to the rule of law. The first is Serbia's work on the fugitive networks. Serbia's efforts to establish accountability for those who assisted ICTY fugitives to evade justice is a work in progress. We ask that it be finalized promptly and effectively.

The second issue is the lack of progress in locating missing persons, including through exhuming mass graves. During my recent visits, survivor communities expressed significant frustration in this regard and authorities in the region must urgently re-focus on locating missing persons, regardless of their ethnicity.

As we enter the ICTY's 21st year of operations, the thousands who survived crimes committed during the conflicts in the former Yugoslavia should be foremost in our minds. For them the passage of 20 years has little meaning. The crimes they lived through, and the crimes that took away their loved ones, are ever present and we must redouble our efforts to facilitate redress for them.

Mr. President, Excellencies,

We are now just a few short weeks from the start date for the Hague Branch of the Residual Mechanism. The parallel establishment of the Mechanism while the ICTY's work continues has resulted in a more complex operational framework. Nevertheless, our core concern is to ensure an effective transition and the best possible outcome in each one of our cases, regardless of whether it will be ultimately completed by the ICTY or the Mechanism.

Safeguarding the quality of our work also requires attention to the issue of staff retention. The loss of key staff members across the Tribunal at critical junctures in our work poses a significant challenge. In our Office, we are seeking creative ways of encouraging our staff members to stay at the ICTY. We want our personnel to see their work through. At the same time we want to help them make a successful transition to the next step in their careers. Retention incentives are the key to meeting this objective. We also hope the International Community will see that ICTY staff members are a tremendous resource for future international justice initiatives and a highly transferable asset for the UN system more generally.

Thank you.