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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# STATEMENT

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PROSECUTOR

New York, 7 June 2017

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

Mister President, Excellencies,

Thank you for this opportunity to address you about ICTY and MICT activities in Arusha and The Hague.

My Offices continue to be firmly focused on the same priorities. Expediently completing trials and appeals. Locating and arresting the remaining eight fugitives indicted by the ICTR. And, assisting national jurisdictions to investigate and prosecute war crimes, crimes against humanity and genocide committed in Rwanda and the former Yugoslavia.

Mister President, Excellencies,

In The Hague, the ICTY will in just a few months complete its mandate and close its doors. Judgements in the two final cases, the *Mladić* trial and the *Prlić et al.* appeal, continue to be expected by the end of November. The successful completion of these important cases will be a fitting tribute to the long fight for justice that this Council began in 1993.

During the reporting period my Office made further significant strides in prosecuting the cases transferred from the ICTY to the Mechanism. We successfully prepared and submitted our written arguments in the *Karadžić* and *Šešelj* appeals, both within one year of the issuance of the trial judgements in those cases.

We also continued our pre-trial preparations in the *Stanišić and Simatović* case. As President Meron reported this morning, the trial is expected to commence next week. I can assure you that my Office will expedite the presentation of its evidence in this case consistent with our duty to prove the charges beyond reasonable doubt.

At the Arusha branch, no trials or appeals are currently on-going. My Office continued to investigate and litigate proceedings arising out of the ICTR's cases. During the reporting period we also commenced a thorough review of the case files against the three fugitives expected to be tried by the Mechanism, so as to be prepared to commence those trials as soon as possible following an arrest.

Mister President, Excellencies,

This brings me to our on-going efforts to locate and arrest the eight fugitives indicted by the ICTR who remain at large today.

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I would like to underscore our commitment to arresting and bringing these fugitives to justice. The victims of the Rwandan genocide deserve nothing less.

There are three major developments I would like to report to you today.

First, during the reporting period we established two task forces, focused on Africa and Europe respectively, to support our fugitive tracking efforts. These task forces bring our Office together with key partners - particularly Interpol and national law enforcement agencies - in an operational structure that will be flexible and responsive.

I would like to express our deep appreciation to the Government of Rwanda and the Secretary-General of Interpol for their strong support to the establishment of these task forces.

Second, as a result of our on-going review, my Office is transitioning to a structure that is more appropriate to our operational requirements. We will take a more pro-active approach to our work. That means pursuing new lines of investigations, including financial and telecommunications, which in turn requires the right investigative and analytical capacity.

Finally, my Office is aware that the window of opportunity to locate and arrest the fugitives will not remain open forever. At the same time, we recognize the budgetary constraints facing the United Nations, and the Council's expectations in this regard. Simply, we recognize that our efforts to locate the remaining fugitives cannot continue forever.

Accordingly, in our budget for the 2018-2019, my Office is proposing to temporarily increase our resources on the clear understanding that this is limited in time. If we do not demonstrate a track record of success over the coming few years, we will have to consider alternatives, which would include the option of fully transferring responsibility for the fugitives to national authorities.

We would be grateful for the Security Council's support for this proposal.

Mister President, Excellencies,

During the reporting period, my Offices continued to assist national judiciaries prosecuting war crimes, crimes against humanity and genocide in Rwanda and the former Yugoslavia. We are providing access to our evidence collection, assisting colleagues with advice on concrete cases, engaging with counterparts to identify challenges and solutions, and monitoring developments at both the country- and regional-levels.

In terms of our efforts, I would like to report today on some examples.

We are committed to deepening our cooperation with Rwandan authorities and strengthening the exchange of information and evidence. Accordingly, during the reporting period we began planning for improvements in our electronic databases to increase the amount of evidence available to Rwandan authorities and the ease with which they can access that evidence. We are also now discussing with the Prosecutor-General of Rwanda the practical steps we can take to ensure better coordination and communication between our offices.

Just a few weeks ago and together with the Prosecutor General of Rwanda, we conducted a five-day, intensive skills-based training for prosecutors from Rwanda and other East African countries on the investigation and prosecution of war crimes. Through

this kind of peer-to-peer capacity-building and knowledge transfer, we hope to assist our national colleagues to improve the efficiency and effectiveness of their work.

Finally, later this month my Office will launch the translation of our publication on the prosecution of conflict-related sexual violence at the ICTY into the Bosnian-Croatian-Serbian language. We further plan to prepare a comprehensive training program for judiciaries in the former Yugoslavia. We hope that national prosecutors and judges can benefit from our work and achieve greater justice for the victims of sexual violence crimes.

Mister President, Excellencies,

I have previously reported that regional judicial cooperation in war crimes justice in the former Yugoslavia is heading in the wrong direction, and that is still the case today. My written reports provide further details on this and other matters in national war crimes justice.

We expect that the relevant national authorities will give our reports full consideration, and undertake concrete steps to resolve the significant issues we have identified.

But today, I am compelled to report to you on an issue that must be deeply concerning to this Council and the international community: namely, the ongoing, widespread denial of crimes and refusal to accept facts established by the ICTY and ICTR.

The horrors of the conflicts in the former Yugoslavia and Rwanda are recorded in this Council's deliberations and resolutions. And all of us remember the images and reports in the media.

To establish the facts and hold individuals accountable for their crimes, the Council created the ICTY and ICTR. And over two decades of work, independent and impartial international judges, having ensured fair trials and heard immense bodies of evidence, determined the truth of what happened.

With Rwanda, 50 years after the Holocaust, a new generation came to understand the meaning of genocide. As the ICTR established, it is a universally known fact that "between 6 April 1994 and 17 July 1994, there was a genocide in Rwanda against the Tutsi ethnic group."

The conflicts in the former Yugoslavia taught the world a new vocabulary for the horrors inflicted on innocent civilians: ethnic cleansing. In case after case, the ICTY found that throughout the former Yugoslavia, senior political and military officials implemented criminal campaigns of ethnic cleansing.

And after this Council first saw the compelling evidence of mass graves around Srebrenica, my Office proved beyond reasonable doubt that genocide was committed in Srebrenica in 1995 through the execution of more than 7,000 Bosnian Muslim men and boys, while up to 30,000 women, children and elderly were forcibly expelled.

Yet today, genocide is denied. Ethnic cleansing is denied. The individual guilt of senior political and military leaders is denied.

Mister President, Excellencies,

Over the last few years I have informed this Council of the ongoing denial of crimes and glorification of convicted war criminals.

A few days ago, the Republika Srpska Minister of Education declared that he would ban textbooks teaching students about the recent past, including the Srebrenica genocide and the Siege of Sarajevo. These facts are taught in classrooms around the world, but not in the country where the crimes were committed.

And tomorrow night, a ultranationalist singer who has been banned in several countries is expected to perform at a benefit concert in Mostar for the six accused convicted at trial in the *Prlić et al.* case.

These unacceptable provocations, the latest in a very long list, are an insult to the victims, to this Council and to all who believe in justice.

The message of denial and revisionism is loud and clear. We recognize our victims, but not yours. Your war criminals are our heroes.

When irresponsible officials use division, discrimination and hate to secure power, conflict and atrocities can gain a logic of their own. That was true two decades ago when the genocide and ethnic cleansing began, and it remains true today.

With the closure of the ICTR, and the upcoming closure of the ICTY, it is now more important than ever to address this challenge. To secure a peaceful future, there must be a shared agreement on the recent past.

Mr. President, Excellencies,

In conclusion, the ICTY will before the end of the year complete its mandate. This will close an important chapter that the Council began twenty-four years ago.

Yet the work of justice for the victims of war crimes in the former Yugoslavia and Rwanda will continue. My Office will expeditiously litigate the small number of remaining trials and appeals before the Mechanism. We will intensify our efforts to locate and arrest the remaining eight ICTR fugitives, so that the victims of their crimes can finally see them brought to justice. And, crucially, prosecutions of war crimes, crimes against humanity and genocide must continue in national courts in the former Yugoslavia and Rwanda, which my Office will support.

We are grateful for the continued support of the Security Council.

Thank you for your attention.