



## STATEMENT

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## PROSECUTOR

New York, 8 June 2016

# 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 8 June 2016

Mister President, Excellencies,

Thank you for this opportunity to address you on the work of the Offices of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and the Mechanism for International Criminal Tribunals.

I will first address the work of the ICTY OTP.

During the reporting period, judgements were issued in three cases, bringing the ICTY closer to completing its mandate at the end of next year.

On 15 December 2015, the ICTY Appeals Chamber granted my Office's appeal in the Stanišić and Simatović case, revoked the Trial Chamber's judgement and ordered a retrial.

On 24 March 2016, the ICTY Trial Chamber unanimously convicted Radovan Karadžić for genocide, crimes against humanity and war crimes. He was sentenced to forty years of imprisonment.

On 31 March 2016, the ICTY Trial Chamber, by majority and after a number of significant delays, acquitted Vojislav Šešelj of the charges against him. The MICT OTP has appealed the acquittal.

Further proceedings in all three of these cases will be conducted by the Mechanism, in accordance with resolution 1966 and the Transitional Arrangements.

My Office looks forward to the delivery of the appeal judgement in Stanišić and Župljanin at the end of this month. In relation to the Plić appeal, we are continuing our preparations for the appeal hearing, which is anticipated next Spring.

We also continued our work in our two final trials, Mladić and Hadžić.

In Mladić, the defence is in the final phase of presenting its evidence. It is anticipated that the final defence witness will be heard this month, and that closing arguments by both parties will be presented this Fall.

In Hadžić, three weeks ago my Office filed a motion for termination of the proceedings. At this time, we see no alternative but to take this step.

Mister President, Excellencies,

In this final phase of the Tribunal's work, state cooperation remains essential to enable the completion of our mandate. This includes my Office's access to documents, archives and witnesses in Bosnia and Herzegovina, Croatia and Serbia.

My Office regrets that Serbia has turned away from the path of full cooperation with the Tribunal. As the President reported this morning, for a year and a half Serbia has failed to execute the Tribunal's arrest warrants and transfer three indictees to the Tribunal's custody. It should be noted that in the past, arrest warrants in similar contempt cases were executed by Serbia without problem or significant delay.

This is unfortunately not the only reason for concern. It is troubling that Serbia has not yet appointed a new Chief War Crimes Prosecutor, despite having at least a year to do so. It is difficult to understand why this crucial position remains vacant. And Serbia has not yet executed the sentence imposed by the Bosnian State Court in the Djukić case, which is widely-recognized as an important test of Serbia's commitment to regional cooperation.

While my Office welcomed the adoption of Serbia's National Strategy for the Prosecution of War Crimes, the overall situation raises legitimate doubts that there is real commitment to the goal of impartial accountability for war crimes. The continued glorification of convicted war criminals in Serbia compounds those doubts.

It is now up to Serbia to demonstrate that it will realize its pledges to cooperate with the Tribunal, support accountability for war crimes and promote effective regional cooperation.

In regard to the Category II cases my Office transferred to national prosecutors in Bosnia and Herzegovina, the Prosecutor's Office has taken prosecutorial decisions in all but one case. Indictments have been confirmed and trial proceedings are now underway.

For some Category II cases, Bosnian prosecutors have sought cooperation from Croatia. A number of delays and miscommunications have prevented meaningful progress so far. My Office calls upon the Croatian government to review its policy in relation to regional cooperation and facilitate the processing of war crimes cases in the region. We will continue to liaise with our counterparts and monitor developments.

Mister President, Excellencies,

As my Office has reported, in recent years there have been many positive developments in national war crimes justice and regional cooperation. Unfortunately, the political situation throughout the region is moving in the opposite direction. Too many politicians and public figures are denying well-established truths, enflaming ethnic tensions and repeating nationalistic slogans of the past. What would have been difficult to imagine just a few years ago is sadly commonplace today. As a result, the positive trend in regional cooperation in war crimes justice appears to be reversing.

Mister President, Excellencies,

Turning to the MICT OTP, this reporting period marked the beginning of trial and appeal activity in The Hague. As discussed in more detail in my written report, appeal proceedings have commenced in two MICT cases, Karadžić and Šešelj, and pre-trial proceedings have commenced in the Stanišić and Simatović case.

Consistent with the Security Council's directions, the MICT OTP has utilized "double-hatting" and roster arrangements in order to ensure that the transition of responsibilities from the ICTY is smooth and cost-efficient. While respecting the different mandates of the two institutions, the "one office" approach that has been put in place allows staff to be flexibly deployed across both institutions, without the need to conduct time-consuming recruitment exercises. These measures have permitted the MICT OTP to carry out its ad hoc activities while remaining a "small, temporary and efficient structure".

Mister President, Excellencies,

With regard to activities in Arusha, my Office continued to monitor the cases referred to the national courts of France and Rwanda.

In one case referred to Rwanda, the trial judgment was delivered on 30 December 2015, convicting the accused and sentencing him to life imprisonment. My Office commends the Rwandan National Public Prosecution Authority for its work on this case. We now look forward to the expeditious completion of the appeal, as well as the trials in the two other referred cases.

With respect to the two cases referred to France, I received updates on the status of these cases during my mission to Paris a few weeks ago. My Office will continue to liaise with French authorities and encourage the expeditious completion of these cases.

The MICT OTP is also firmly focused on locating and securing the arrests of the remaining eight fugitives indicted by the ICTR. Beginning in March, we reviewed our tracking efforts and strategy, as part of which we redeployed resources from within existing capacity to provide further support. We also identified new avenues to pursue. My Office notes that state cooperation and this Council's support remain essential to locating and arresting fugitives.

The truth of what happened during the Rwandan genocide has been repeatedly established in the ICTR's judgements. Yet, today, genocide denial continues. To safeguard future generations, it is essential that there is education about the dangers of genocide ideology and discrimination. My Office urges all States to actively promote the truth and stand against revisionism in all its forms.

Mister President, Excellencies,

In conclusion, the transition of responsibilities from the ICTY to the MICT continues as foreseen in Security Council resolutions.

My Offices will also continue, within existing resources, to monitor and support national courts prosecuting war crimes committed in the former Yugoslavia and Rwanda. In accordance with the Completion Strategies, greater accountability now depends on the ability of national criminal courts to continue the work of the ICTY and ICTR.

Finally, to support national justice efforts, it is important that we disseminate our experiences and lessons learned in the prosecution of these crimes. In that regard, my Office hopes that our book on prosecuting conflict-related sexual violence, which was launched yesterday, is a helpful tool.

Thank you for your attention.

