



United Nations  
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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# STATEMENT

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PRESIDENT

The Hague, 7 June 2017

Address to the United Nations Security Council  
Judge Carmel Agius, President  
International Criminal Tribunal for the former Yugoslavia  
7 June 2017

Muchas Gracias Señor Presidente,

En primer lugar, permítame felicitarlo por haber asumido la presidencia del Consejo de Seguridad y agradecer por el apoyo brindado al Tribunal.

Mr President,

It is both an honour and a privilege to once again address the Security Council in my capacity as President of the International Criminal Tribunal for the former Yugoslavia, which just two weeks ago commemorated twenty-four years since its establishment by the Council pursuant to Resolution 827 (1993). As you are aware, the Tribunal will close its doors on 31 December 2017. This is therefore one of the last occasions I will have to address this august body - and I am here today to present the Tribunal's penultimate Completion Strategy Report.

Beginnings and endings are one shared aspect of the human experience, across the great diversity of peoples and cultures of the world. Endings provide us with a chance to reflect on both achievements and challenges, as well as on how far we have come. While the Tribunal remains on track to complete the mandate it was given by this body many years ago, back in 1993, there are significant obstacles that require the urgent attention of the Council. In the Tribunal's final year, we are all the more aware of the legacy that we share with the Security Council, and of what will be written in the last pages of the Tribunal's history. Any unfinished business will remain a disturbing footnote in an otherwise successful - indeed groundbreaking - attempt to hold persons accountable for the most heinous crimes that can be imagined.

In relation to the remaining judicial workload, the Tribunal has made considerable progress towards completing the final trial and appeal proceedings. At trial, the case of *Prosecutor v. Ratko Mladić* remains on schedule and the Trial Chamber is fully engaged in deliberations and drafting of the judgement. Similarly, on appeal, the case of *Prosecutor v. Jadranko Prlić et al.* is on schedule, with the Appeals Chamber in full deliberations and judgement-drafting mode. Judgements in both cases are planned to be delivered in November of 2017, as previously forecast. As outlined in the Completion Strategy Report, the Registry continues to provide full support to the Tribunal's judicial activities through the effective management of various sections, such as those concerning Communications and Outreach, Victims and Witnesses, Conference and Language Services, as well as the United Nations Detention Unit, which runs a programme in line with or exceeding international humanitarian standards and is visited and monitored by the International Committee of the Red Cross (ICRC) on a regular basis.

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The Tribunal, however, continues to face serious challenges. In the pending contempt case against Petar Jojić, Jovo Ostojić, and Vjerica Radeta, the Republic of Serbia has failed to comply with its duties under the Tribunal's Statute, by refusing to cooperate with the Tribunal and execute the arrest warrants of the accused that were issued almost two and a half years ago. I repeat, almost two and a half years ago. I remind the Security Council that I have raised this issue on a number of occasions - in my address of 8 June 2016 to this Council, and to the General Assembly on 9 November 2016, as well as in the Tribunal's Completion Strategy Reports of May and November 2016. More recently, I formally reported the Republic of Serbia's non-compliance in my letter of 1 March 2017 to the then-President of the Security Council.

I must emphasise once more that the charges against these individuals are extremely grave, and that any interference with the Tribunal's witnesses undermines the nature and effective functioning of a judicial institution established by this very Council. Such allegations must be swiftly adjudicated. Plainly-spoken, the Republic of Serbia is in violation of its international obligations every day that these arrest warrants and orders for transfer are not executed. The Security Council has the capacity to tackle this issue, and it is imperative that it takes decisive action. Time is of the essence for the Tribunal to adjudicate these contempt proceedings before the end of its mandate, and they will - concluded or not - be an element of the shared legacy of the Tribunal and this Council, and of the efforts of the UN to end impunity. This Tribunal was created by the Security Council as part of these efforts, and the alleged interference with witnesses must not - indeed cannot - go unanswered. We are ready and willing to try these individuals if they are delivered to The Hague, but we await your urgent action. Let me be clear, I do not play games. As I have demonstrated throughout my Presidency, I do what I say and I say what I mean. Neither I, nor anyone at the Tribunal seeks to use this case to prolong the Tribunal's life.

Turning to other challenges, despite the fact that we are optimistic about completing all judicial work by 31 December 2017, I must warn once again that the Tribunal continues to struggle to retain staff. Staff attrition will in the final six months pose a substantial - indeed critical - risk to our ability to complete the remaining work on time. Though the Tribunal has done everything it can to retain staff, key staff members are leaving for more stable and long-term employment elsewhere in light of the Tribunal's imminent closure. This does not call into question their loyalty but reflects the simple reality that our staff members need a continued livelihood beyond 31 December 2017.

I take this opportunity now to publicly acknowledge all staff members and Judges of the Tribunal and to thank them for their outstanding work and dedication. Our talented staff members are integral to the Tribunal's ability to function, and it is only through much personal sacrifice on their part that we are making strong progress in the remaining cases and will be able to complete all work before our closing date. The Tribunal is deeply grateful for their service on behalf of international justice. Incentives to retain staff would enable us to ensure that our mandate is completed in an optimal manner, and the Tribunal urgently needs the support of the United Nations in this regard.

In addition to the judicial workload, the Tribunal's liquidation efforts are continuing full-steam as we approach our end date. These efforts include: scheduled downsizing of staff at various times throughout this year; the disposal or sale of Tribunal assets; the transfer or finalisation of all commercial and non-commercial contracts; the disposition of all physical and digital records; and the handing over of any residual activities to the International Residual Mechanism for Criminal Tribunals. I can assure all Member States that the Tribunal remains committed to a timely and efficient liquidation process and to learning from the experience of the International Criminal Tribunal for Rwanda.

Finally, I turn to the Tribunal's legacy, which, as I noted at the outset, will be shared by this esteemed Council. The last year of the Tribunal's operations presents a unique opportunity to ask what our enduring legacy will be, as well as to cement that legacy by engaging with those most impacted by the Tribunal's work, and ensure that it will continue to have an impact in the future. For these reasons, while the primary focus is on concluding the remaining judicial work, and a successful liquidation, the Tribunal is this year hosting a number of legacy and closing events designed to mark the end of an historic chapter in international criminal justice, and to enable others to build upon the Tribunal's achievements and experience. These events are completely reliant on external funding and I wish to publicly acknowledge Austria, Finland, Germany, Italy, Malta, the Netherlands, Switzerland, and the European Union, who have pledged funds and support thus far.

It is to this end also that the Tribunal is involved in the ongoing project of establishing information centres within the region of the former Yugoslavia, as requested by this Council in Resolution 1966 (2010). By providing local access to the Tribunal's public records and information about the Tribunal's work, these centres will play an invaluable role in continuing the legacy of the Tribunal in the region. The first information centre will open in Sarajevo, Bosnia & Herzegovina, and the Tribunal has re-initiated discussions with Croatia to establish such a centre in Zagreb. A third centre in Srebrenica-Potočari is awaiting the signature of a Memorandum of Understanding. It is the hope of the Tribunal that an information centre will also be established in Belgrade, Serbia.

Mr President,

As we look to the closure of the ICTY in only a few short months, and to the Tribunal's final annual and Completion Strategy reports, we can be immensely proud of what we have accomplished together since those early days in 1993. No institution can restore what was lost in the Yugoslav wars, or undo the terrible crimes committed during them. The Tribunal has demonstrated, however, that when the international community has the will to co-operate, and to stand for what is right, those responsible for the most egregious violations of international humanitarian law can be held to account.

I ask that all Members of the Security Council will continue to stand for what is right, and to support the Tribunal in its last six months. We cannot conclude our mandate without you.

Thank you.