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for the former
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Tribunal Pénal
International pour
l'ex-Yougoslavie

STATEMENT

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PROSECUTOR

The Hague, 3 June 2015

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 the Office of the Prosecutor's progress in completing our mandate.

In this reporting period, we moved closer to finalizing our work in the Tribunal's last trials and appeals.

At the end of the reporting period, four trials are ongoing. In the Mladić case, the defence continued to present its evidence. As previously indicated, my Office will later this month briefly reopen the Prosecution case to present our recently-discovered evidence on the Tomašica mass grave. We will use nine courtroom hours to present our evidence.

In the Hadžić case, the trial was adjourned in October 2014 due to the accused's ill health and has not yet resumed. In the Šešelj and Karadžić cases, we continue to await the trial judgements, which are estimated to be delivered later this year.

During the reporting period, appeal judgements were delivered in the Popović et al. and Tolimir cases, largely confirming the genocide and other convictions we secured at trial. Only three appeal proceedings now remain.

The oral hearings in Stanišić and Simatović and Stanišić and Župljanin are anticipated to be held later this year.

In the Prlić et al. appeal, we successfully completed on schedule our written arguments. This involved, among other tasks, reviewing, researching and responding to 168 Defence grounds of appeal spanning nearly 1,000 pages.

Our team completed this immense task in less than four months by working around the clock. Their tremendous efforts reflect their full commitment to successfully and expeditiously complete our work, despite the very real challenges of staff attrition. The Appeals Division is now fully focused on preparing for the presentation of oral arguments in these final three appeals.

Mr. President, Excellencies,

The countries of the former Yugoslavia continue to cooperate with my Office and respond, as required, to our requests for assistance. State cooperation in all aspects of our work remains mandatory and will continue to be closely monitored.

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My Office recognizes the significant results during the reporting period in regional cooperation on high-profile cases. This regional cooperation includes joint arrest operations conducted by BiH and Serbian authorities. These developments are positive signs that national authorities are responding to the concerns we previously expressed. We call upon national authorities to continue to tangibly demonstrate their commitment to cooperation and more comprehensive accountability for war crimes.

At the same time, it is important to recognize that only a limited number of the outstanding cases at the national level have been prosecuted to-date. More should also be done on the most complex and highest-priority cases, particularly those involving senior- and mid-level officials.

It has become clear that further progress in effective national justice requires a more strategic approach to the investigation and prosecution of war crimes.

In my previous reports I noted the need for improved management and leadership in the Prosecutor's Office of Bosnia and Herzegovina. My Office continues to discuss outstanding challenges with the Prosecutor's Office, including the practice of breaking up comprehensive cases into separate trials.

My report also highlights the successful results by the Prosecutor's Office for crimes related to the Srebrenica genocide. We encourage the Prosecutor's Office to ensure that the strategic approach and effective practices of its Srebrenica team are applied in other investigations and prosecutions.

This brings me to the Category II cases transferred by my Office. During my recent mission to Sarajevo, the Chief Prosecutor could only report limited progress. However, he gave strong assurances that prosecutorial decisions will be taken in all remaining cases by the end of this year. While similar commitments were made previously, we trust that they will be honored this time.

We continue to believe that these and other challenges can be successfully addressed if there is national ownership of post-conflict justice, appropriately supported by international assistance. My Office will continue to engage directly with national authorities and encourage full responsibility for the accountability process, while assisting them to improve their methods and implement lessons learned from our experiences.

Mr. President, Excellencies,

In our meetings, victims from every group are unanimous that the search for missing persons continues to be a key priority. While there have been significant results already, there are still too many families who do not know the fate of their loved ones. More can be done.

Authorities in Bosnia and Herzegovina should give serious consideration to the recommendations recently issued by the International Commission on Missing Persons. It is critical that the Law on Missing Persons is fully implemented and that national authorities take full responsibility for this vital work.

For our part, my Office is participating in an intensive effort with key partners to strengthen the search for missing persons in Bosnia and Herzegovina by reexamining available evidence and information. If this work proves successful, we will consider how to expand it to other States in the region.

Mr. President, Excellencies,

In conclusion, the foremost objective of my Office is expeditiously completing our work in accordance with the Completion Strategy. We will continue downsizing staff in line with the completion of trials and appeals, while also documenting and sharing our experiences.

Next month will mark the 20th anniversary of the Srebrenica genocide. It will be an opportunity to remember all victims of the conflicts in the former Yugoslavia, and to recognize that survivors are making extraordinary efforts to build a more peaceful future. It is also an opportunity for the international community to reaffirm its commitment to justice for past crimes and to prevent their repetition.

Thank you for your attention.