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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# STATEMENT

*(Exclusively for the use of the media. Not an official document)*

PROSECUTOR

The Hague, 21 December 2017

**ICTY CLOSING CEREMONY**  
**Dr. Serge Brammertz, Chief Prosecutor**  
**United Nations International Criminal Tribunal for**  
**the Former Yugoslavia**

Your Majesty, Mr. Secretary-General, Excellencies, Distinguished Guests, dear Colleagues and Friends,

When asked about the legacy of the ICTY, I often reply that it looks different depending on the perspective you adopt.

Those who were present when the Tribunal was created in 1993 will say that there were serious doubts at that time whether we could achieve any significant results.

Yet we are closing our doors having secured convictions of 90 war criminals, including senior leaders from all parties to the conflicts.

My Office investigated the crimes, and proved that many were committed as part of horrific ethnic cleansing campaigns.

We held generals responsible for attacking civilian populations; camp commanders for brutal crimes against detainees; and political leaders for using the bureaucratic machinery to persecute hundreds of thousands.

We also established beyond reasonable doubt that genocide was committed in Srebrenica in July 1995, and 16 individuals were convicted for those crimes.

This is a credible record that far exceeds even the most optimistic expectations.

Similarly, key legal concepts were developed in the Tribunal's cases.

"Crimes against humanity" are recognized as widespread or systematic attacks against civilians that shock our collective conscience.

Rape is no longer seen as something that just happens in conflict, but as a weapon of war to destroy lives that we call "conflict-related sexual violence".

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Political and military leaders can bear “command responsibility” for the crimes committed by their subordinates, or be held responsible for participating in “joint criminal enterprises” to commit campaigns of crimes.

Perhaps most of all, the Tribunal’s legacy can be seen in our collective response to atrocity crimes.

Today, the United Nations and the international community recognize that transitional justice is an essential element in peace-building and conflict prevention.

Peace agreements that used to grant immunity incorporate justice mechanisms. The public rightfully expects to see those responsible for mass atrocities prosecuted, not treated as responsible interlocutors.

This evolution in attitude is among the most significant developments in international affairs over the last two decades.

None of this is to say that the Tribunal is without legitimate criticism.

Some cases took too long to finish, and some high-profile cases had unexpected outcomes. And we must ask ourselves whether we were always sufficiently focused on the affected communities we serve, and met their expectations.

But the fact remains that the Tribunal accomplished a great deal over the last twenty-four years.

Yet while it is important to consider the Tribunal in the past, we must also look at it in the present and the future.

A few weeks ago, the Tribunal delivered its final judgments. The reactions, particularly in the former Yugoslavia, were as strong as ever, and many dynamics remain the same today.

Victims and survivors were grateful for the Tribunal’s work, and the recognition of the crimes they suffered. They were the Tribunal’s strongest supporters, and it was thanks to their courage and determination that we were able to carry out our mandate. I would like to again pay tribute to them.

Yet many politicians rejected and condemned the judgments, refusing to accept uncomfortable facts.

Throughout the region, convicted war criminals are seen as heroes, while victims are ignored. Ethnic cleansing and genocide are still officially denied.

The rule of law is contested, and reconciliation is often overwhelmed by the rhetoric of ethnic nationalism.

From the perspective of the present, then, the Tribunal and its work are very relevant to today's challenges.

And while the Tribunal is closing, its work must continue

That is an important perspective from which we can think about the future.

Many victims, from all communities, are still waiting for justice. And thousands of families still do not know the fate of their loved ones. Victims and survivors are unanimous that accountability must continue.

So what the Tribunal started remains essential to them.

National prosecutors and judges in the region have become the Tribunal's closest partners over the last decade. Together, we established an integrated, collaborative approach to promote greater accountability.

Now, they are fully responsible for continuing our work.

Thousands of suspects must still be investigated. Hundreds of complex cases involving senior- and mid-level suspects will need to be prosecuted in national courts in every country.

Regional judicial cooperation must be improved so that perpetrators no longer enjoy safe haven in neighbor countries.

For our national colleagues, continued support from the Mechanism and international partners will be of decisive importance.

Politicians and officials from the region have been more often opponents of the Tribunal than supporters.

The reality is that atrocities were committed in the former Yugoslavia because senior leaders sought power using fear, lies and hate. State sovereignty was then invoked to hinder investigations and protect wanted fugitives.

Today, leaders are at an important crossroads. They must distance themselves from the crimes, reject convicted war criminals and stop hiding behind false claims of collective guilt.

I have said it many times before, but let me repeat: the Tribunal judged the guilt of individuals, not peoples.

If there is the political courage, our judgments can lift the weight of collective guilt, help communities accept the immense wrongdoings of the past and promote reconciliation.

European integration requires a decisive break from the rhetoric and mindset of the past. Political leaders in the region can put European values into practice by providing real support to justice, not just the minimum necessary for appearances.

Finally, the United Nations, the Security Council and the international community made the Tribunal and everything we accomplished possible.

As the ICTY showed, if there is a consistent diplomatic agenda, justice can be achieved even for the most horrific atrocities.

Yet it seems today as if there are more conflicts and more crimes around the world than in recent memory. The need for justice is immense, but so are the political barriers.

As these challenges are navigated, the Tribunal's lessons will be vital.

So as we mark the closure of the ICTY, all of us can rededicate ourselves to advancing justice for atrocity crimes in the future, in the Western Balkans and globally.

As the ICTY has shown, justice is a key element in our global order and the work of the United Nations.

Thank you again for your support to our work, and for your attention.

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