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Tribunal Pénal
International pour
l'ex-Yougoslavie

STATEMENT

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PROSECUTOR

The Hague, 6 June 2011

Address of Serge Brammertz, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to the Security Council on 6 June 2011

Mr. President, Excellencies

Thank you for giving me this opportunity to address you on the progress made by my Office towards the completion of our mandate.

Some recent developments show significant advances in establishing accountability for the crimes committed during the wars in the former Yugoslavia. Foremost among these is the arrest on 26 May of Ratko Mladić who, for 16 years, had evaded capture and transfer to The Hague. The arrest is significant on many levels. For victims of the crimes alleged against Ratko Mladić, it is a long overdue opportunity for redress. For the Tribunal, it removes one of the last obstacles to holding accountable those most responsible for the wartime atrocities in the former Yugoslavia. For international criminal justice, it is welcome confirmation that accountability for war crimes is not a fleeting interest, but an enduring value. Serbia now has an important opportunity to help the public understand why Ratko Mladić has been arrested and why justice demands that he stand trial.

We thank the Serbian authorities for making the arrest and we particularly acknowledge the role played by the National Security Council, the Action Team established to track the fugitives and the operatives from the security services.

In our written report, we were critical of Serbia's efforts to locate the fugitives and we identified a number of operational shortcomings for the Serbian authorities to address. We urged them to translate their stated commitment to arresting the fugitives into concrete action and visible results. With Ratko Mladić's arrest, Serbia has taken a considerable step towards achieving this objective. Serbia has met one of its key obligations towards the Tribunal and simultaneously acknowledged the rule of law as a central building block for its future.

While Ratko Mladić's arrest is an excellent result, the fact remains that he was at large for 16 years. This raises troubling questions about how it was possible for this individual to elude the substantial resources of a state system for so many years. We welcome the Serbian Government's statement that it will investigate and prosecute the networks that supported Ratko Mladić during his time in hiding. We also welcome the Government's expressed determination to expose and punish any state officials who assisted him. We ask the Serbian Government to follow through on these undertakings as a matter of priority.

We also ask the Serbian Government to continue the operational improvements that led to Ratko Mladić's arrest. The recommendations set out in my report for strengthening Serbia's fugitive tracking efforts remain valid. We want the remaining ICTY fugitive - Goran Hadžić - apprehended without further delay.

When it comes to our ongoing trial and appeal proceedings during this reporting

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period, Serbia has promptly provided access to the documents and archives we have requested. The Serbian National Council for Cooperation with the Tribunal continued to promote cooperation among different government bodies handling requests from our office.

Similarly, for Bosnia and Herzegovina, we received prompt and adequate responses to our request to access documents and Government archives.

For Croatia, in general, timely and adequate responses were received concerning our requests for witnesses and evidence. However, during the reporting period, limited progress was made in locating the missing military documents concerning Operation Storm. Nevertheless, on 15 April 2011, the Trial Chamber rendered its judgement in the Gotovina et al. case and found that the crimes against Gotovina and Markač were proven based on the evidence submitted at trial. It is, however, unfortunate that in the aftermath of the Judgement, the highest state officials failed to comment objectively on the outcome of the case.

From cooperation, I move to another core development: the progress of our trials and appeals. In this reporting period we have finalised a large component of our trial work. We have completed the presentation of the Prosecution's case-in-chief in all but three cases. To this list we must now add the Mladić case.

As the focus of our attention turns towards the appellate phase of proceedings, we are positioning ourselves to deal effectively with the intense appellate caseload on the horizon. We are thinking ahead to anticipate and address potential problems before they arise.

We are also making steady progress towards implementing the Security Council's resolution establishing the International Residual Mechanism for Criminal Tribunals. We are conscious of the dates that have been set for the Residual Mechanism to begin taking over the ICTY's remaining work and we are assisting our Registry colleagues with the necessary preparations. We are also working together with our counterparts at the ICTR to ensure a co-ordinated and efficient structure for the two prosecution offices of the Mechanism.

As we approach the completion of our mandate, staffing issues remain a significant concern. Staff attrition is now a sharp reality, leaving our remaining staff members to shoulder unrealistically heavy burdens. Retaining our key staff will become an increasing problem for us in the next reporting period.

A further reflection that we are nearing the end of our work is our intensifying focus on supporting national war crimes prosecutions. It is a positive development to see prosecution offices in the region taking over responsibility for making sure the crimes committed during the war are punished. However, cooperation between prosecutors in the region must be a priority to resolve problems such as parallel investigations. In July we expect that an agreement will be signed between Bosnia and Serbia to improve the situation. We hope that increased cooperation between Bosnia and Serbia will also lead to more effective efforts to apprehend Radovan Stanković, who remains at large nearly four years after escaping from prison in Foča.

Improvements in regional cooperation will depend on strong national war crimes strategies in each country. We are deeply concerned by recent political initiatives in Bosnia and Herzegovina that sought to undermine the work of the state prosecutor's office and the state war crimes court.

Mr. President, Excellencies

In conclusion, over the past six months we have made great strides towards the successful completion of our mandate. The long-awaited arrest of Ratko Mladić stands out as one of the most significant developments and we are committed to moving ahead expeditiously with his trial. At the same time, we ask the international community to ensure that we have the resources needed to complete our work. We also call upon governments in the former Yugoslavia to support our work and to use it as a platform for promoting reconciliation in the region.