



The International Residual Mechanism for Criminal Tribunals ("Mechanism") was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda ("ICTR") and the International Criminal Tribunal for the former Yugoslavia ("ICTY") after the completion of their respective mandates.

STATEMENT

PROSECUTOR

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

Arusha, The Hague, 11 December 2018

Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals, to the United Nations Security Council New York, 11 December 2018

Mr. President, Excellencies,

Thank you for this opportunity to address you about the activities of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals.

My written report provides details about our activities and results during the reporting period in relation to our three primary priorities. Today, I would like to highlight only a few important issues.

At the outset, though, I would like to take this opportunity to recognize President Meron, and express my Office's appreciation for his service.

President Meron led the Mechanism since its establishment in July 2012, and greatly shaped our institution during its first years of operations.

Mr. President, Excellencies,

My Office continues to focus on expeditiously completing the limited number of trials and appeals transferred from the ICTY.

In relation to the *Stanišić and Simatović* retrial, during the reporting period we completed the presentation of all our witnesses except for one. Our final witness is now scheduled to be heard in January.

Regarding the *Karadžić* appeal, my Office continued to litigate a high volume of matters, including eleventh hour motions to disqualify judges from the case. We have taken note of the revised schedule for the completion of this case, and look forward to the delivery of the judgment.



On 29 November, shortly after the end of the reporting period, my Office completed preparation of our written appeals arguments in the *Mladić* case in accordance with court-established deadlines. In addition to this work, my Office also litigated a number of other matters in this case, including motions to disqualify judges.

We will continue to take measures within our control to expedite the completion of these final proceedings.

Mr. President, Excellencies,

Another of the Mechanism's residual functions is the protection of victims and witnesses. And pursuant to Article 14 of the Mechanism Statute, my Office is mandated to investigate and prosecute contempt of court.

I can now report that following an intensive, confidential investigation conducted over the last year, on 14 June 2018 my Office filed confidentially an indictment charging five suspects with three counts of contempt of court and incitement to commit contempt of court.

This indictment was confirmed on 24 August, and Mechanism warrants of arrest were successfully executed on 3 September by Rwandan police in close cooperation with my Office.

This contempt proceeding, *Prosecutor v. Turinabo, et al.*, arose out of the review proceedings in the *Ngirabatware* case. My Office alleges that four of the accused directly, and through intermediaries, interfered with witnesses who had given evidence in *Ngirabatware's* trial and interfered with witnesses in the ongoing review proceeding. We further allege that two of the accused knowingly violated court orders protecting witnesses.

The purpose of the alleged contempt of court was to overturn the final conviction of Augustin Ngirabatware, and by doing so undermine the facts of the genocide.

My Office has not undertaken this activity lightly, particularly as it has generated significant additional workload that has stretched our already lean resources.

Nonetheless, we are fully committed to defending the integrity of the proceedings conducted by the ICTR, ICTY and Mechanism.

My Office wants to send a clear message that our victims and witnesses will be protected, and that we will oppose genocide denial in all of its manifestations.

Mr. President, Excellencies,

As I previously reported to you, my Office has been taking a number of important measures to strengthen our efforts to locate and arrest the remaining eight fugitives indicted by the ICTR.



We restructured our tracking team, and adopted a more pro-active approach to our work. These reforms have been matched by a temporary increase in resources on the clear understanding that we have a limited amount of time to demonstrate a successful track record

During the reporting period, prior intelligence and our investigative activities generated some actionable leads.

I accordingly traveled to Harare earlier this year to seek the cooperation of Zimbabwean authorities, who assured me of their commitment to adhere to their international legal obligations and this Council's calls to Member States.

We established a joint Task Force to coordinate further investigative activities to locate a fugitive in Zimbabwe. This Task Force has been very active, and recently provided another report to my Office showing that they are pursuing a number of promising leads.

At the same time, based on information obtained by my Office and confirmed by the INTERPOL National Central Bureau for South Africa, in August I submitted an urgent request for assistance to South African authorities.

Unfortunately, despite repeated contacts and reminders, this request has not been answered, nor has any explanation been provided. My Office trusts that South Africa, as an incoming member of this Council, will provide the necessary cooperation.

Locating and arresting the fugitives is a priority for my Office. In order for us to complete this residual function as expeditiously as possible, state cooperation remains essential.

Mr. President, Excellencies,

In relation to the countries of the former Yugoslavia, my Office deeply regrets the continued glorification of war criminals and denial of crimes, including the Srebrenica genocide. While my Office has repeatedly called for urgent attention to this issue, developments during the reporting period again demonstrated that the challenge is severe.

Some political leaders in the region are working to overcome the legacy of the recent past. Unfortunately, positive steps are undermined by irresponsible comments from other officials denying what has been established beyond reasonable doubt by international courts and portraying as heroes men who committed the most serious violations of international law.

Soldiers do not defend their country with honor by murdering civilians, burning homes, raping women and girls and persecuting communities because of their ethnicity or religion. Countries cannot build a future together if they don't have a common acceptance and understanding of the recent past.



In Rwanda and the former Yugoslavia, my Office is committed to promoting education and remembrance as key tools in the fight against ideologies of discrimination, division and hate.

As detailed in my written report, regional judicial cooperation in war crimes matters between the countries of the former Yugoslavia is at its lowest level in years and continues heading in the wrong direction.

This cooperation is essential to achieve justice for victims from all communities. Too often today suspected war criminals find safe haven in neighboring countries because authorities fail to work together.

Successful regional efforts in the fight against organized crime, corruption and other serious offences demonstrate that such cooperation is possible. When it comes to regional cooperation in war crimes matters, the challenge is not inability, but unwillingness.

If for no other reason than to secure meaningful justice for their own people, my Office calls upon authorities in the region to take concrete steps to remedy the situation, including by bringing political interference in the justice process to a halt and allowing judiciaries to carry out their responsibilities in accordance with the rule of law and European standards.

Mr. President, Excellencies,

The final topic I would like to address is the search for missing persons in the former Yugoslavia.

Significant results have been achieved, with approximately 25,000 missing persons found and identified. Unfortunately, more than 10,000 families still do not know the fates of their loved ones.

I had a number of meetings with representatives of the families of the missing during my recent missions to the countries of the former Yugoslavia. Even today, they suffer immense pain from not knowing the fate of their loved ones. Their message to all of us is simple: intensify efforts, deepen cooperation and finally return the missing to their families.

During the reporting period, my Office took important steps to strengthen our support to the search for missing persons. We signed a Memorandum of Understanding with the International Committee of the Red Cross to promote our cooperation. This important agreement will enable the ICRC to access our evidence collection to obtain information that may assist in clarifying the fate and whereabouts of persons who are still missing.

We also continued providing national authorities with access to our records and expertise. In recent months, we hosted working visits by the Serbian Missing Persons Commission, and gave extensive operational support to the Missing Persons Institute of Bosnia and Herzegovina.

At the recent London Summit organized by the United Kingdom, all governments of the region pledged to increase their activities and cooperation, and prevent politicization of this issue. Further progress is a



humanitarian imperative and fundamental to reconciliation in the former Yugoslavia. Victims from all sides of the conflicts must be located, identified and returned to their families.

Mr. President, Excellencies,

In conclusion, my Office is firmly focused on completing our remaining functions efficiently and effectively, including by investigating and prosecuting interference with witnesses and contempt of court.

We also remain committed to providing our full support to the continued implementation of the ICTR and ICTY Completion Strategies by national authorities, so that more justice can be achieved for more victims.

We are grateful for the continued support of this Council in all of our efforts.

Thank you for your attention.
