



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") which closed in 2015 and 2017, respectively.

## STATEMENT

PROSECUTOR

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

The Hague, 17 July 2019

### Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council New York, 17 July 2019

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 a few important issues.

Mr. President, Excellencies,

My Office's first priority as always is to expeditiously complete the *ad hoc* trials and appeals under the Mechanism's jurisdiction.

During the reporting period, at The Hague branch my Office made important progress towards finalizing the remaining proceedings transferred from the ICTY.

Most importantly, on 20 March 2019, the Appeals Chamber of the Mechanism affirmed the conviction of Radovan Karadžić for genocide, crimes against humanity and war crimes. The Appeals Chamber further granted my Office's appeal and entered a sentence of life imprisonment.

As President of the Republika Srpska, Karadžić stood at the apex of power, which he abused to manipulate his people and commit atrocities that shocked our collective conscience. For thirteen years he was one of the world's most wanted fugitives.

He has now been held accountable by an international court for his crimes. This case is a powerful demonstration that when the international community remains determined, justice can and will prevail.

In relation to the *Stanišić and Simatović* retrial, my Office completed the presentation of its evidence, and the defense cases have now begun. In this regard, I note the efforts of the Republic of Serbia to



ensure full cooperation with my Office by quickly responding to a number of important requests for assistance.

Regarding the *Mladić* appeal, my Office finished preparation of the written appeals arguments, and also litigated a number of other matters in this case, including motions for additional evidence.

At the Arusha branch, on 7 December 2018, the single judge decided not to refer the *Turinabo et al.* contempt case to Rwanda and ordered that it be conducted by the Mechanism.

Since that time my Office has been engaged in intense pretrial preparation and litigation, while concurrently litigating the related review proceedings in the *Ngirabatware* case.

Serious crimes against the justice process must be detected and prosecuted, as this Council recognized in adopting the Mechanism's Statute. My Office is determined to carry out our mandate by ensuring that witnesses are protected from interference, and by safeguarding the integrity of our judgments.

Mr. President, Excellencies,

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

Over the last year, our reforms and renewed efforts have generated important actionable leads. Critically, my Office has developed credible intelligence on the current whereabouts of several fugitives. We accordingly approached a number of Member States to seek their cooperation.

Unfortunately, I must report that there are a number of issues in state cooperation that have negatively impacted our work.

While many Member States have committed to providing cooperation, more can be done to ensure that their authorities deliver on this commitment.

In part, the challenges we are facing are symptomatic of a more general lack of capacity in terms of inter-state cooperation in criminal matters, including in the search for transnational fugitives. We are committed to supporting our partners to overcome those challenges.

At the same time, it also appears that some countries do not prioritize cooperation with my Office in bringing genocide fugitives to justice.

Since August of last year, my Office has been seeking urgent cooperation from South Africa in relation to the arrest of a fugitive located on its territory. We have continually renewed our requests, and have repeatedly sought to engage directly with South African authorities.

Unfortunately, until yesterday we only received *pro forma* responses that our requests have been forwarded to the appropriate authorities and are being considered.

South Africa confirmed yesterday by Note Verbale that it is fully committed to cooperating with my Office. I hope that this time it will deliver on this commitment immediately.



This year marked the 25<sup>th</sup> anniversary of the Rwandan Genocide. It is time for the remaining fugitives indicted by the ICTR to be brought to justice. The victims have waited for far too long.

It must also be underlined that this is not just an issue of the past. Some fugitives remain threats to international peace and security today by promoting conflict and exploitation.

We will utilize all tools available to us to address the challenges we face, including formal reports of non-cooperation to the Security Council if needed.

Mr. President, Excellencies,

In relation to national prosecutions of crimes committed in Rwanda and the former Yugoslavia, my written report provides detailed insight into the current status and challenges.

It is clear that much more remains to be done to achieve more justice for more victims. Rwandan authorities continue to search for more than 500 fugitives. In the former Yugoslavia, thousands of cases still need to be processed by national courts.

Our national counterparts are unanimous that they need more support, assistance and advice to successfully implement national war crimes strategies.

Last year, we received 333 requests for assistance to provide evidence, more than ever before. And current trends indicate that this year we will again receive a record number of requests.

Regional cooperation is another area where strengthened engagement will have impact. I am pleased to report that with my Office's support, at the recent conference in Belgrade the region's chief prosecutors agreed to transfer specific cases involving mid-level officials from the countries where the crimes were committed to the countries where suspects are now living. They further requested my Office to facilitate this process.

The countries of the former Yugoslavia have made commitments to increase the pace of war crimes prosecutions and significantly reduce the backlog of unresolved cases.

National prosecutors have made clear that achieving these goals depends on continued and strengthened assistance.

The international community has an important role to play by ensuring the requested assistance is provided.

Mr. President, Excellencies,

The final topic I would like to address is the denial of crimes and glorification of war criminals.

In relation to Rwanda, genocide denial, in all of its forms and manifestations, unfortunately continues. Efforts to minimize the scale of the death and destruction, or point to other factors to detract attention from the facts of the genocide, are unacceptable.



As for the former Yugoslavia, I first reported to you about this topic five years ago. Unfortunately, since that time the situation has dramatically worsened.

It is intolerable that just last week, a government minister called the Srebrenica Genocide false, while a member of parliament congratulated Ratko Mladić for the genocide, which he said was a brilliant military operation.

The truth is that during the conflicts there was untold human suffering, caused by leaders who used fear, division and hate.

No one emerged unharmed, not in Bosnia and Herzegovina, in Croatia, in Kosovo<sup>1</sup>, in Serbia.

Denial of the crimes causes profound pain to the victims. Their suffering was immense, yet some are determined to insult and torment them more.

Glorification of war criminals punishes the youth. What they learn in the classroom and from their leaders drives them apart, rather than bringing them together.

The consequence is clear. Denial and glorification are destabilizing the region and preventing reconciliation.

And so to begin to move forward, glorification must stop. The denial of crimes cannot continue.

Political leadership at the highest levels is urgently needed.

Important lessons can be learned from the Rwandan example. Every year the Rwandan people join together for 100 days to commemorate all victims of the genocide, and renew their commitment to ensuring that such crimes are never repeated again.

The international community failed the victims in Rwanda and the former Yugoslavia by standing by as the crimes were committed.

We cannot fail them again now by not speaking out against denial and glorification.

Mr. President, Excellencies,

In conclusion, my Office is firmly focused on completing our remaining functions efficiently and effectively.

In the search for the fugitives, my Office is generating credible intelligence on the current whereabouts of multiple fugitives. However, we are not yet receiving the cooperation needed to secure arrests. We call upon all Member States to adhere to their international obligations and provide full cooperation to our efforts.

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<sup>1</sup> All references to Kosovo shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.



We also remain committed to providing our 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.

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