



*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)*

Arusha, The Hague, 8 June 2021

## **Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council 8 June 2021**

Mister President, Excellencies,

Thank you for this opportunity to remotely 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 strategic priorities. Today, I would like to highlight a few important issues.

Mister President, Excellencies,

In July 1995, Ratko Mladić was indicted by my Office for the atrocities he committed against hundreds of thousands of innocent civilians in Bosnia and Herzegovina.

For more than a decade and a half, he was among the world's most wanted fugitives and the symbol of a culture of global impunity.

Today, though, justice has been done. After a fair trial by impartial international judges, Mladić has been finally convicted for his crimes, and sentenced to the most severe punishment possible.

I spoke earlier today with the Mothers of Srebrenica, survivors of Mladić's genocide. For twenty-six years, they have suffered the loss of their husbands, fathers and sons, and have courageously fought to see Mladić punished for his crimes.

They asked me to convey to you a simple message.

Justice matters.

This is not a slogan, but a fundamental truth.

Justice matters to the victims.



It will never bring back their loved ones, but it can mitigate the pain they must live with.

But even more they told me, justice matters to the present and the future.

Today, too many perpetrators in conflicts around the world still use their power to cause inhumane suffering. Too many commanders still treat innocent lives as inconsequential.

There are, sadly, still too many people like Mladić.

Justice matters because it is how we condemn and punish great wrongs so they are not repeated.

That's why today is not only about what we have achieved, but about what more there is still to achieve. For my Office, while we take satisfaction from Mladić's final conviction, we are also aware of the work we still have ahead of us.

Mister President, Excellencies,

A major part of our remaining work is at the Arusha branch, where we continue to seek more justice for the victims of the 1994 Genocide against the Tutsi in Rwanda.

The Kabuga case is one of our key priorities. Following Félicien Kabuga's arrest last May after two decades as a fugitive, my Office has quickly undertaken further investigations and preparations for the commencement of the trial.

In February, we took an important step forward with the confirmation of our amended indictment. We made a number of key updates and revisions to streamline and clarify the case, including specifying incidents of sexual violence. Ultimately, we believe the amended indictment will promote an expeditious trial while appropriately reflecting Kabuga's alleged criminal responsibility.

We are now fully focused on trial preparations. We will submit our pre-trial brief and complete key pre-trial responsibilities by the end of August. My Office is firmly committed to being ready to start trial when decided by the Trial Chamber.

Also, the Nzabonimpa et al. trial will soon conclude, with a judgment expected in the coming weeks. The importance of this case must be underscored. Corrupting witnesses strikes at the core of the justice process, and my Office will continue to fulfil our mandate to investigate and prosecute contempt of court.

Finally, in Stanišić and Simatović, we delivered our closing arguments, and are now expecting a judgment in the near future.

Mister President, Excellencies,

My Office further continues to actively search for the remaining six fugitives indicted by the ICTR.



A few years ago, I informed this Council that we were reforming and strengthening our fugitive tracking activities, on the understanding that it was our responsibility to demonstrate a track record of success. These efforts produced results, as demonstrated last year by the arrest of Kabuga and the confirmation of Augustin Bizimana's death.

Currently, we have viable leads on all remaining fugitives, and with continued efforts we can reasonably expect further results.

Our primary challenge, however, is the lack of full and effective cooperation from Member States. Simply put, a number of countries are not adhering to their international obligations and are preventing my Office from securing arrests.

Six months ago I informed you that Fulgence Kayishema remains at large because South Africa failed to provide cooperation. Unfortunately, the situation remains unchanged, and there has been no meaningful improvement. As it stands today, South African authorities are effectively sending the message that their country is a safe haven for fugitive génocidaires.

The Security Council's intervention is urgently needed. Repeated failures to adhere to the Council's decisions must have consequences.

With respect to the other fugitives, our priority target is Protais Mpiranya, former commander of the Presidential Guard. While some investigations are hindered by the absence of cooperation from key Member States, other investigative leads are still moving forward.

In particular, we are actively investigating evidence that Mpiranya, in addition to his crimes during the genocide, has for the last two decades engaged in further serious criminal activity. We have reason to believe he has also operated business enterprises using illicit funds. Many individuals are likely to have interacted with or learned of him. These persons are of interest to us, and we encourage them to come forward with information about Mpiranya.

My Office reiterates that any person – including Mpiranya's associates and supporters – who provides information leading to an arrest is eligible for a reward of up to 5 million US dollars. My Office can also protect those who come forward. At the same time, Mpiranya's accomplices who do not come forward voluntarily will be held accountable to the fullest extent of the law.

My Office is determined to account for the remaining fugitives as quickly as possible so that our tracking activities can finally be brought to an end. I know this Council fully shares and supports that goal. As my Office works to resolve the challenges we face, the firm support of the Council will be vital.

Mister President, Excellencies,

As I mentioned earlier, the final judgment against Mladić reminds us of the other important work still ahead. In particular, many of Mladić's accomplices and subordinates still need to be held accountable for their crimes, as must many other war crimes perpetrators in all the countries of the former



Yugoslavia. That's why my Office's third strategic priority is to assist national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda.

I would like to briefly update you on three important developments.

First, the arrest of Félicien Kabuga has brought renewed attention to continuing national efforts to prosecute alleged génocidaires. During the reporting period, Rwandan authorities achieved important results in cases referred by the ICTR under Rule 11bis.

Jean Uwinkindi, a pastor in the Pentecostal Church, and Bernard Munyagishari, a political party leader, were both convicted of genocide and crimes against humanity, and sentenced to life imprisonment.

My Office continues to urge all countries to provide full cooperation to the Prosecutor General of Rwanda as he seeks to account for hundreds more fugitives who remain at large.

Second, in both Bosnia and Herzegovina and Serbia, new national war crimes strategies are being put in place. There are still thousands of war crimes suspects to process in these two countries. The new strategies set high expectations for swifter resolution of outstanding cases, and should also address shortcomings in previous efforts.

Improved regional judicial cooperation will be critical. Many suspects who committed crimes in Bosnia and Herzegovina have fled to Serbia and Croatia. Urgent efforts are needed by prosecutors to bring all such persons to justice, which Bosnia and Herzegovina should support with evidence and other assistance.

These new war crimes strategies are important opportunities to clearly demonstrate national commitments to full accountability, particularly with respect to senior- and mid-level suspects. Two decades after the conflicts ended, much more still remains to be done. My Office will continue to directly engage with our counterparts to support further investigations and prosecutions. Diplomatic support from the European Union and other partners will remain critical.

Finally, I am compelled to bring to your attention once again the issues of genocide denial and glorification of war criminals.

It is certain that reactions to Mladić's conviction today will include denials of the Srebrenica Genocide, the Siege of Sarajevo and the ethnic cleansing campaigns he unleashed. Some, including Serb political and social leaders, will claim that he is a hero, while posters and murals of him will be displayed.

Sadly, this has become what we must expect.

In Montenegro, the Minister of Justice recently denied the genocide in Srebrenica, after previous governments had taken a firm stand in support of the ICTY's judgments. In Serbia, convicted war criminals are regularly given platforms to deny their crimes. Denial and glorification by officials and official bodies in the Republika Srpska have become so commonplace that they often pass without remark.



As for Rwanda, the recent commemorations of the 1994 Genocide against the Tutsi in Rwanda have demonstrated again that genocide denial continues to flourish, particularly among diaspora communities.

Denial and glorification continue to be treated as differences of opinion, or arguments about legal terms. They are not. The reality is that denial and glorification are the final stage of genocide. They are political tools used for political purposes.

Urgent action is needed.

Mister President, Excellencies,

In conclusion, my Office is pleased that two trials and one appeal are concluding this month. We are satisfied with the Appeals Chamber's judgment in the Mladić case, which confirmed his convictions and sentence of life imprisonment.

Yet my Office still has much important work ahead of us. We will continue to work towards commencement of the Kabuga trial as soon as possible.

As for the remaining ICTR fugitives, we are committed to ensuring that they are brought to justice, just as Mladić was. In order for this work to be successfully completed, it is critical that the Security Council sends an unmistakable message to Member States that cooperation with my Office is required. We encourage those who have associated with or supported Mpiranya or the other fugitives in the past to come forward and provide information.

We are grateful for the continued support of this Council in all of our efforts. Thank you for your attention.

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