



*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, 14 June 2022

### **Address of Mr. Serge Brammertz Prosecutor, International Residual Mechanism for Criminal Tribunals to the United Nations Security Council 14 June 2022**

Mister 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 review and progress reports provide 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.

At the outset, I would like to express my appreciation to the Security Council for its ongoing review of the Mechanism, as well as to OIOS for its recent report on the Mechanism's methods and work. The review process is an important opportunity for detailed engagement between the Mechanism's Principals and Council members.

I welcome the comments and questions provided during yesterday's meeting of the Informal Working Group, and I look forward to hearing your statements today.

Mister President, Excellencies,

I am very pleased to be able to inform you that in the last two years, my Office has accounted for half of the fugitives who remained at large following the closure of the ICTR. This includes all three of the so-called major fugitives: Felicien Kabuga, Augustin Bizimina, and as we announced just a few weeks ago, Protais Mpiranya, former commander of the Presidential Guard.

Following my appointment as Mechanism Prosecutor in 2016, I made it my priority to bring all remaining fugitives to justice. Following a thorough review of past efforts, my Office took key steps to improve and strengthen our fugitive tracking efforts.

We restructured our tracking team, and with additional funding, we recruited investigators and analysts with the needed skills. We also fundamentally reoriented our work. Rather than relying exclusively on



human sources, we combined in-depth investigations with advanced analytical techniques, including of complex telecommunication, financial and network data.

The results we have achieved matter.

For the victims of the 1994 Genocide against the Tutsi, it is intolerable that those indicted for horrific crimes remain unaccounted for. While nothing can erase the victims' pain, we hope they feel satisfied that the hunt for fugitives continues.

For the Security Council and international community, successes like these demonstrate again the strength of your commitment to the victims, and your determination to achieve justice, despite the passage of time.

And for the Mechanism and my Office, we have moved closer to bringing this important mandate to completion.

There are now only four fugitives remaining, including our top priority, Fulgence Kayishema.

In this regard, I can report that after several challenging years, progress is now being made with the Republic of South Africa. Thanks to the support of the President of South Africa and his Cabinet, an Operational Task Team was recently established to assist my Office. Our teams held productive discussions in Pretoria just three weeks ago, and my Office has submitted its first set of taskings.

We are confident that with the full and effective cooperation of South Africa, Kayishema's flight from justice will soon be brought to an end. Our goal is to account for all four outstanding fugitives by the time the Security Council next reviews the Mechanism's work.

Mister President, Excellencies,

We are also continuing our efforts to complete our remaining trials and appeals.

In the *Kabuga* case, my Office is ready for the trial to start.

We have also undertaken significant efforts to ensure that the trial can be completed swiftly. We have submitted the evidence of most of our witnesses in writing, which should substantially reduce the in-court time required to present our case, and ultimately the length of the trial.

My Office further continues to litigate our ongoing appeals. In *Fatuma et al.*, we look forward to the announcement of the judgment at the end of the month. In *Stanišić and Simatović*, we completed our written arguments earlier this year, and are now preparing for oral arguments.

My Office remains committed to achieving justice for the victims in Rwanda and the former Yugoslavia while taking all measures within our responsibility to complete these final cases as soon as possible.

Mister President, Excellencies,

Recognizing that national courts are continuing the work of the ICTR and ICTY, the Security Council mandated my Office to respond to requests for assistance from domestic investigators and prosecutors



around the world. Accordingly, assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda continues to be a priority.

As my Office moves closer to completing our last cases and accounting for the final fugitives, it is important to remind ourselves that there remain thousands of cases that still need to be completed in national courts.

The Prosecutor General of Rwanda is still seeking to prosecute more than one thousand fugitives indicted for genocide.

In Bosnia and Herzegovina, Croatia and Serbia, there are still more than three thousand suspected perpetrators of war crimes, crimes against humanity and genocide to be investigated and prosecuted.

My Office's assistance is essential to completing this work. Our evidence collection contains more than eleven million pages of testimony, reports and records that national prosecutors need. Our staff have expert knowledge of the crimes and the perpetrators.

This is reflected in the numbers of requests for assistance we receive each year. In 2013, we received approximately 100 requests for assistance. In each of the last two years, we received nearly 400. Recent requests are also of greater complexity and significance. In light of the large number of cases still to be completed and national war crimes strategies, we anticipate these trends will continue for a number of years to come.

Yet despite the support we are providing, national prosecutors still face other critical challenges.

In the former Yugoslavia, the most significant issue remains regional judicial cooperation.

Recently, my Office has facilitated a number of positive developments between Bosnia and Herzegovina and Serbia. The respective chief prosecutors continue to exchange evidence and case files to ensure greater accountability.

Unfortunately, both countries are experiencing severe difficulties obtaining cooperation from Croatia. As my written report details, the Croatian Government is taking political decisions to block the justice process. For example, prosecutors in Bosnia and Herzegovina are waiting for cooperation in more than eighty cases, some of which have been pending for seven years.

A decade ago, Croatia was at the forefront of efforts to improve regional judicial cooperation in war crimes cases. Today, there is a widespread impression that in Croatia there is the will to pursue justice for Croatian victims but not for victims of other ethnicities.

There is a simple step Croatia can take to start changing that view: send all pending requests for assistance currently blocked by the Ministry of Justice to relevant judicial authorities, and encourage them to urgently process those requests.

I also urge the countries of the former Yugoslavia to put their political differences aside and significantly increase their cooperation in the search for missing persons. This is a humanitarian imperative.

With respect to Rwanda, my Office has regularly noted that more efforts are needed to ensure accountability for *génocidaires* who have fled to other countries, particularly in Europe and Africa. Prosecutors in these countries are well-aware that Rwandan nationals suspected of genocide are living



in their countries. The challenge is fundamentally about priorities and resources, and sometimes a lack of political will.

While it is of course understandable that governments direct police and prosecutors to focus on crimes being committed today, that cannot be an excuse for failing to investigate and punish crimes of genocide committed in Rwanda two decades ago. Our commitment to ending impunity and ensuring accountability for international crimes must be truly universal.

My Office will continue to work with our national partners to respond to their requests for assistance and overcome challenges that they face. The victims of the 1994 Genocide against the Tutsi in Rwanda and the crimes committed during the conflicts in the former Yugoslavia continue to look to my Office and the Security Council for support.

More broadly, in relation to both Rwanda and the countries of the former Yugoslavia, genocide denial and the glorification of war criminals continue to persist. There can be no tolerance for such behavior, which insults the victims and lays the seeds for future conflict.

Mister President, Excellencies,

In relation to the ongoing review process and the report of OIOS, my Office is grateful that our commitment to realizing the Council's vision of the Mechanism as a "small, temporary and efficient" structure continues to be recognized.

OIOS found that my Office took steps during the review period that "reflected a focus on operationalizing the Security Council's mandate." OIOS further noted noting that even with "skeletal staff numbers", the Office of the Prosecutor flexibly reconfigured operations as necessary to deliver results and redeployed resources to where they were most required.

OIOS concluded that my Office had implemented its recommendation that we support and strengthen staff morale, a particular challenge in a downsizing institution. In this regard, OIOS found that "as the office has downsized, the smaller team benefited from management's efforts to promote a more positive work environment."

With respect to our results, my Office is pleased that during the review period, important steps were taken to deliver on our mandate. We secured convictions in three important cases, the trials in *Stanišić and Simatović* and *Nzabonimpa et al.*, as well as the *Mladić* appeal. As I noted previously, in the last two years we accounted for half of the remaining fugitives who remained at large following the closure of the ICTR.

These are meaningful results that delivered justice for the victims while also bringing these residual functions closer to completion.

As we look ahead, my Office will continue to employ the methods and practices that have established a proven track record of success in recent years.



Mister President, Excellencies,

In conclusion, I would like to take this opportunity to recognize the achievements of President Agius during his time in office and thank him for his leadership.

During his Presidency, the Mechanism realized important successes. A number of significant judgments were delivered in accordance with the judicial timelines. And under his leadership the Principals established a closer working relationship to guide the Mechanism through immense challenges like the COVID-19 pandemic.

Finally, for my Office, we remain grateful for the continued support of this Council in all of our efforts.

Thank you for your attention.

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