



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, 20 June 2019

Stop Denying Genocide and the Holocaust Conference Keynote Remarks Prosecutor Serge Brammertz, Mechanism OTP Sarajevo 20 June 2019

I am grateful for the opportunity to speak with all of you today. I am very pleased to see again Munira, Murat and all the other victims present here today, as well as other partners and friends.

Sometimes it is even hard for me to believe, but this is my eleventh year coming to Sarajevo to talk about justice for war crimes, crimes against humanity and genocide. I must have visited at least 25 times.

For our friends from the diplomatic community, that represents three generations of ambassadors as they rotate every three or four years.

I have seen many arrive full of hope and optimism. Unfortunately, many also seem to depart frustrated and cynical.

My feelings are probably mixed as well. I share the deep frustration of the victims here today. The victims rightly expect that more justice should have been achieved, in The Hague, Sarajevo and elsewhere in the region.

Yet the victims continue to suffer from the denial of crimes and the glorification of war criminals, with, it seems, daily provocations and insults.

A lot has been accomplished through the unwavering support and commitment of stakeholders. On 20 March 2019, the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals affirmed the conviction of Radovan Karadžić for genocide, crimes against humanity and war crimes and entered a sentence of life imprisonment. Karadžić was one of the world's most wanted fugitives for almost 13 years, until his arrest by the Serbian authorities on 21 July 2008. Justice was delayed by Karadžić's flight, but because the international community did not waver in its commitment, the victims of his crimes ultimately saw him held to account.

The conviction and sentencing of Karadžić is cause for renewed hope for the victims' quest for justice. That is important, because our common goal today is to achieve more; more justice for more victims, more acceptance of the truth in schools and the media, more recognition of the victims' courage and determination, and more missing persons finally returned to their loved ones.



In these remarks, I would like to address three issues: firstly, the progress and direction of prosecutions at the national level; secondly, my Office's efforts to promote our common goal; and, finally, the denial of crimes and glorification of war criminals as barriers to reconciliation.

It is important to remember that the closure of the ICTY was not the end of the justice process in the former Yugoslavia. The ICTY Completion Strategy was crystal clear on this point. The ICTY would only wind down in The Hague because national courts throughout the region would stand up and continue its work.

National prosecutions are not optional, they are essential. Every country in the region has an obligation to ensure that those responsible for genocide, crimes against humanity and war crimes are prosecuted in their national courts. The international community has a responsibility to provide its full support, diplomatic, financial and otherwise.

I have been quite vocal about the many challenges in national war crimes justice. Regional cooperation is a particular concern. As I will report to the Security Council next month, cooperation between the countries of the region in war crimes is at its lowest level in years. While the solutions are well-known what is lacking is the will to implement them.

The need for cooperation is most intense for victims in Bosnia and Herzegovina. Too many suspects are living openly in neighboring countries, and enjoying what is in effect safe haven from prosecution. Only last week, Tomislav Kovac under indictment here in Bosnia and Herzegovina, testified as a defense witness in the Kravica case in Belgrade. For the victims, this must be very difficult to accept. It is difficult to understand how a court in one country can hear a witness who is a fugitive from justice in a neighboring country.

My Office and the office of Chief Prosecutor Tadic continue to work closely together to surmount these challenges. We have identified a number of important cases for immediate transfer to Serbia and Croatia, which my Office will facilitate and monitor.

In this respect, it cannot be stressed enough how critical it is to have the support of the victims who, certainly, have reasons to be skeptical. Regional cooperation, however, is the only way that those who harmed the victims will be brought to justice. And I can pledge to you that my Office will do everything we can to ensure that transferred cases are fairly prosecuted. So I hope that the victims will give their support to the transfer of cases, and I know they will show the same courage testifying before their courts as they have always shown before the ICTY and the Court of BiH.

There are also challenges in Bosnia and Herzegovina.

Many of the victims have expressed their concerns with the National War Crimes Strategy partly because it does not address the need for regional cooperation and partly because the victims are concerned about the quality of justice being delivered, including in cantonal, entity and district courts.

Most of all, the victims are frustrated that their legitimate expectations are not being met. Deadlines were not met in the past, and it is fair to ask whether the revised strategy is realistic. The quest for justice, however, does not expire.

Of course, prosecutors and judges should work as quickly as possible, and more speed is needed. While it is impossible to say that by a certain time in future justice will have been achieved, nevertheless; the process must continue until all those suspected of crimes have been investigated.



In the past, my Office has been quite critical of the work of the Prosecutor's Office of BiH under the leadership of previous chief prosecutors. We have been particularly critical that complex cases were split into multiple indictments and that there were long delays in resolving the Category II cases prepared by my Office.

A number of challenges still remain. I understand the frustration when it seems that the sentences imposed are not equal to the criminal responsibility. And a number of cases are ending in acquittals, which from a prosecutor's perspective cannot be considered satisfactory.

But at the same time, the reality is that there have been many successes as well.

More war criminals have been convicted and imprisoned here in Bosnia and Herzegovina than anywhere else in the region. The Court of BiH has convicted a number of senior- and middle-level officials for ethnic cleansing and attacks against civilians. The fact that genocide was committed in Srebrenica has been confirmed again and again.

Today, there are many important investigations and trials underway in relation to crimes committed in Prijedor, Brcko, Kotor Varos, Doboje and elsewhere.

These positive results are in large part thanks to the victims who continue to advocate for more justice and to testify in trials. I think it is fair to say that compared to a few years ago, the interaction between victims and prosecutors has improved, even if the victims can never be satisfied as long as so many criminals remain to be held accountable.

That brings me to my Office's continued efforts to achieve more justice, because it is the victims after all who encouraged us not to stop with the closure of the ICTY.

As the end of the ICTY came closer, the victims were concerned that without The Hague, the justice process would quietly be forgotten. They wanted my Office to continue being a watchdog, identifying problems and finding solutions. They asked us to continue providing our evidence and expertise to national prosecutors so they could continue our work.

After one and a half years, it can be said that our engagement with national prosecutions is greater than ever. Last year we received 350 requests for assistance, more than ever before. We handed over hundreds of thousands of pages of evidence for use in national trials. The liaison prosecutors continue to be an important part of our Office, providing extensive support to their colleagues at home.

We are working to do even more. I already mentioned our efforts to improve regional cooperation.

In addition, we are offering more trainings than before, focused on advanced prosecutorial skills that are needed for more successful justice. Two months ago, we delivered a five day advanced training to colleagues in Belgrade on prosecuting sexual violence crimes, and we will do the same in Sarajevo in the Fall. We hope to continue this with more trainings next year, on topics like command responsibility, crimes against humanity and genocide.

We are also increasingly providing "tailor made" assistance on specific cases. Already this year we hosted three prosecutors from Bosnia and Herzegovina for in-depth discussions about their investigations and prosecutions. Just as one example, One Prosecutor sat with our Srebrenica team to discuss his ongoing investigations and how we could provide him with greater support.

We are also working on more Category II cases. By the end of the year we will deliver to Montenegro five additional case files concerning crimes committed by Montenegrin citizens, which should include Eastern Bosnia.



We further plan to work with Chief Prosecutor Tadic and her team to ensure more justice from crimes committed during the Siege of Sarajevo.

Further, we have stepped up our support to the search for missing persons as well. Last September we signed an MoU with the ICRC, and right now we have two of their liaison researchers in our Office searching for evidence on mass graves.

I can also report that our Sarajevo Field Office played an important role in assisting the SIPA, the PO BiH and others to locate the mass grave discovered a few weeks ago on Mount Igman.

Finally, we are exploring with civil society organizations how we can assist in promoting acceptance of the truth and reconciliation.

We intend to continue doing more in the coming years, and strengthen our engagement across the board. In this, support from the international community will be essential.

With the completion of our final trial and appeals, we will need financial support to retain our expert staff with decades of experience prosecuting war crimes committed in the former Yugoslavia.

And it will be critical that we continue receiving the backing of the diplomatic community, particularly the European Commission, EU Member States, the US and others. When we have your support, we can have real impact.

That takes us to my final point today, the rising denial of crimes and glorification of war criminals throughout the region. Because this is an area where the international community has the most important role to play.

I am grateful to the victims for organizing this conference about genocide denial. This is an issue that I have tried to bring attention to over the last few years.

In every one of my reports to the Security Council, I have expressed increasing concern and alarm.

First, it was denial of the genocide in Srebrenica. It seemed that on every anniversary, politicians and public officials tried to minimize the number of victims, or prevent the families from paying their respects in Kravica and elsewhere. The victims were told that the genocide would not be taught in one half of BiH because it never happened. The mayor of Srebrenica tried to organize conferences to deny the genocide and what the victims suffered.

Unfortunately, that was just the beginning of a situation that seems to grow worse every year.

People like Momcilo Krajisnik were welcomed as heroes after serving their sentences. Earlier this year two commissions were established to rewrite the history of Srebrenica and the Siege of Sarajevo.

In Mostar and elsewhere, war criminals like Jadranko Prlic were glorified as heroes, and the crimes he and others under his command committed were denied. Dario Kordic was received with a hero's welcome in Zagreb, while Mirko Norac was invited to attend the commemoration of the operation in which soldiers under his command committed massive crimes.

In Serbia, official policy still does not accept the Srebrenica genocide. And over the last few years, government officials have repeatedly glorified those responsible for the ethnic cleansing in Kosovo, including Generals Lazarevic and Pavkovic.



It should not need to be said, but denial of crimes and glorification of war criminals cannot be accepted anywhere, and certainly not in Europe.

For me personally, this is not about freedom of speech. It is about intentionally insulting victims and causing them more pain. It is about inciting ethnic hatred and distrust. It is about preventing any meaningful reconciliation in the region.

After all, how can the countries of the former Yugoslavia move forward in the future if they cannot agree on the truth of the past.

The uncomfortable truth though is that the situation today is worse than in many years because very few within and outside the country have reacted and drawn a line.

Instead, those who deny the crimes and glorify war criminals have seen that there is no consequence for their words and actions. And it should not come as a surprise that they have become bolder and more extreme as a result.

So today, we face a situation where students are taught radically different histories, including here in Bosnia and Herzegovina. Today's generation has been exposed to more denial and glorification than those in the past, and this fact should cause all of us significant concern.

What is perhaps most frustrating is that the truth is known. Students around the world learn about the ethnic cleansing campaigns here in Bosnia and Herzegovina, the Siege of Sarajevo and the Srebrenica genocide because the facts of those crimes have been established by the ICTY. More than 4,500 witnesses testified about the crimes, creating more than 2.5 million pages of transcripts. My Office maintains more than ten million pages of evidence. The judgments against 90 convicted persons to the conflict established the crimes committed against so many victims from all communities beyond reasonable doubt. The fact is that members from all communities were victims

So, the Srebrenica genocide is a fact. The Siege of Sarajevo is a fact. The ethnic cleansing is a fact. This is what the ICTY determined, as the international institution competent to do so, applying international fair trial standards and the standard of proof beyond reasonable doubt.

Many countries have laws criminalizing the denial of genocide, whether the Holocaust, the Rwandan genocide or the Srebrenica genocide. That's because genocide denial causes immense harm. To the victims of course. But perhaps even more to the future, because it is impossible to build a peaceful future when the minds of the youth are being poisoned.

Either way, something must be done. Ignoring the situation has not worked. We can no longer just hope that denial and glorification of war criminals will go away.

And something can be done. It is time to make clear that there is a price to pay for denial and glorification. Should politicians and public officials who deny the genocide still be treated as reasonable interlocutors? Should public authorities who deny the genocide continue to receive financial support?

After all, this is a fundamental issue of values; the values of peace and reconciliation, the value of the rule of law, and ultimately, the value of the truth.



My point is that this situation cannot be tolerated anymore. If the conference on genocide denial can accomplish one thing, I hope it is a clear and unambiguous message that the denial of crimes and glorification of war criminals must be stopped. I firmly believe that today, there is no more important task ahead of us.

The victims have my commitment that my Office will undertake every effort to achieve that goal and provide our full support to this effort.

Thank you again for the opportunity to speak with you, and for your attention.

