



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

*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

PRESIDENT

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

Sarajevo, 14 September 2023

### **Introductory Remarks at Conference: "30 Years of Establishment of the ICTY – Legacy and Current Challenges"**

**Excellencies,  
Esteemed victims and survivors,  
Ladies and gentlemen,**

September 1993 brought unprecedented horrors to Bosnia and Herzegovina.

Sarajevo was forced to shelter from indiscriminate sniping. Right here in this very city, a mother and her eight-year-old daughter were shot as they were walking, holding hands, on their way to get books for school. Elsewhere, East Mostar was suffering through its own campaign of attacks and shelling aimed at solidifying the division of the country along ethnic lines. Not far from Mostar, professional soldiers, motivated by hatred, attacked and cruelly killed innocent civilians in the village of Uzdol, a massacre committed exactly thirty years ago today.

These crimes, and thousands more like them, are, plainly said, the very worst that human beings are capable of doing to one another.

They were perpetrated in spite of the Security Council's creation of the International Criminal Tribunal for the former Yugoslavia (ICTY). They continued to be perpetrated, unchecked in their depravity, until they culminated in Genocide in Srebrenica, the audacity serving to demonstrate the disdain in which these criminals held the recently established Tribunal and its promise of justice.

In fact, even the Tribunal's most ardent supporters had only limited confidence in the new institution's ability to fulfil its aspirations and discharge its mandate.

Against all odds, the Tribunal went beyond developing substance and procedure, and helped to create a new legal culture. A culture against impunity.

It was the first recognition of the reality that if international criminal law is to have relevance and command respect, it must be capable of enforcement by the international community.

The Tribunal's caseload came to life in 1994 with the first arrest by the Federal Republic of Germany of Duško Tadić for the atrocities in Prijedor, which was in turn the first attempt on behalf of the United Nations to enforce international humanitarian law. It was also the first test which witnessed a



clear statement by a Member State asserting its commitment to cooperate with an international jurisdiction through the passing of special legislation to ensure transfer of an accused to the ICTY.

This was a turning point for international criminal justice because it is on this very same bedrock of cooperation, led by Germany back in the 1990s, that the Mechanism and other courts and tribunals continue to rely on three decades later.

I acknowledge that justice has not been perfect.

At the same time, let me ask whether there is someone in this country that does not know about Hague Justice?

I am proud to affirm in unequivocal terms that *this justice has been fair, effective, and has contributed to an appreciation of the suffering across Bosnia and Herzegovina during the conflict in the 1990s, not only for the direct victims of crime and their families, but also for the benefit of future generations.*

Regarding the first, the Mechanism and its predecessor, the ICTY, is a system based on high standards of fairness and due process. The Mechanism, and I as President, will continue to act independently in discharging our essential functions, cognisant of the views of our indispensable stakeholders such as yourselves, but always focusing on the interests of justice. For we know from the ICTY's successes that a judicial institution must act independently, solely on the basis of the law and evidence, if its decisions are to be accorded weight in Bosnia and Herzegovina and elsewhere.

This responsibility, allow me to underscore, continues in the aftermath of a judgement, through which the full justice cycle is achieved.

Second, it is almost a cliché that international justice moves too slowly and that it is too costly. Yet with each passing year, the ICTY gained valuable insight into the pitfalls and best practices when seeking international justice, with the Mechanism now a global leader in securing justice, while respecting due process of law.

Third, recognising the truth of what happened is indispensable to a durable reconciliation. The facts established by the ICTY and the Mechanism were the product of direct evidence and fully reasoned judicial determinations. It is obvious that individuals denying this history are revealing more about their own inadequacies than anything else, and that they will never succeed in overcoming the incontrovertible findings of our tribunals.

Finally, one of the Mechanism's most important functions is to consolidate the ICTY's legacy. This legacy lives not only in its judgements, but also through the evidence and expertise that is still being transferred to national authorities. It is now for you, the nationals and officials of impacted States, to finalise the 30-year task of fostering and achieving reconciliation. The current challenges may be yours to resolve, but the Mechanism will continue to play a supporting role in line with its mandate.

**Excellencies,  
Esteemed victims and survivors,  
Ladies and gentlemen,**

Today we not only commemorate 30 years since the ICTY was established, we also mark the recent completion of its primary mandate. This is a significant achievement, one which I am satisfied to share with you here. There is no longer a Security Council subsidiary organ prosecuting and adjudicating



genocide, war crimes, and crimes against humanity committed in the former Yugoslavia. The baton has, finally, been passed. This new reality prompted the closure earlier this year of the last Mechanism field office in the region, here in Sarajevo, as we take on the fully residual posture for which we were created in 2010.

Rest assured, nevertheless, that the Mechanism will continue to play its part. Even against State defiance and international indifference, as we are seeing with the Republic of Serbia's refusal to surrender Petar Jojić and Vjerica Radeta, I will not refrain from using every relevant forum to focus maximum attention on any country's non-compliance. Attempts against the administration of justice are unacceptable and must be thwarted.

The remaining work towards justice, peace, and reconciliation will be for dedicated citizens to discharge themselves directly. Victims representatives will continue to serve as models of perseverance in ensuring history never forgets the agony visited on their communities, while clamouring for the prosecution of all remaining perpetrators. The national prosecutors assembled here today will play an essential role in maintaining the pursuit of justice, so long as they do so with integrity and independence. And the journalists and truth-tellers among you will facilitate an honest appraisal of the successes, and any failures, of your compatriots.

In closing, let us recall the words of the Secretary-General of the United Nations when he reported to the Security Council in 1993 on the dire circumstances experienced throughout the States of the former Yugoslavia. Reflecting on the dissolution of society itself, he "stress[ed] that the fundamental solution to the problem has to be sought through [...] dialogue" and that "[i]t is the parties themselves who bear the primary responsibility for achieving such a solution, and who must take steps towards reconciliation".

Today, Bosnia and Herzegovina's ownership of its fate remains unchanged.

You must continue to take control of your future. While the ICTY played a vital role by independently establishing the truth about many crimes perpetrated across the region, this cannot replace the need for affected communities to grapple with how best to achieve reconciliation, both at the local level and especially on the political plane.

On this day, the IRMCT remembers and stands by you, as it has for the past 10 years, as you strive to carry forward the goals for which the ICTY was established.

\*\*\*\*