

'Mission accomplished,' president of UN tribunal for Former Yugoslavia tells Security Council

6 December 2017 – After more than 24 years of operations, the United Nations tribunal set up to prosecute crimes committed during conflicts in the Balkans in the 1990s, has now completed all judicial work, the court's President told the UN Security Council on Wednesday.

"Despite all the sceptics, the naysayers, the deniers who, from the very beginning, embarked on a campaign against the Tribunal and have been at pains to question our legitimacy and integrity and portray a doomsday scenario, I am proud to appear before this esteemed Council today and say: [mission accomplished](#)," declared Carmel Agius, President of the International Criminal Tribunal for the Former Yugoslavia ([ICTY](#)), in his [final briefing](#) to the 15-member body.

Recalling the Security Council's decision to create the Tribunal back in May 1993, Mr. Agius stated: "In retrospect [...] the establishment of the ICTY was one of the international community's proudest moments."

Noting that the body had developed a completion strategy and delivered judgements in the final trial case against Ratko Mladic on 22 November and the final appeal case against *Jadranko Prlic et al.* on 29 November, Mr. Agius said that in supporting the creation of the court, his predecessors had put their signature on an important page in the history of international justice and the fight against impunity.

There was another history, however, he said, namely of those who were afraid to accept the Tribunal and even denounced it, "of those who did not choose to fight impunity, but, for reasons of political or personal gain, blind nationalism and ethnic hatred," preferred immunity and even glorified those who had committed atrocities.



Judge Carmel Agius, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), briefs the Security Council. UN Photo/Eskinder Debebe



Serge Brannmertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals ([MICT](#)), briefs the Security Council. UN Photo/Kim Haughton



Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals (MICT), briefs the Security Council. UN Photo/Eskinder

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Security Council Meets on the International Criminal Tribunal for the Former Yugoslavia (ICTY). UN Photo/Kim Haughton



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The Tribunal's achievements did not begin and end in The Hague, where the body is headquartered, Mr. Agius continued. He was disturbed by the numerous crimes yet to be prosecuted before domestic courts in the Former Yugoslavia. The rise of revisionism and nationalism throughout the region could not be ignored.

"Do not delude yourselves; the absence of war does not mean peace," he said. Ending impunity for mass crimes is not the preserve of any one institution – it is a common goal that ties all together in the shared quest for justice, peace and stability.

In closing, President Agius stated: "As the international community now looks on while mass crimes continue to take place, even as I speak, and geopolitical roadblocks impede any kind of comprehensive justice solutions, we must not forget the political courage that sparked the ICTY's existence, the Tribunal's long trajectory, and the need to stay the course."

Beyond the Tribunal's success, reconciliation remains a significant challenge

Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, affirmed that the Tribunal had made plain that even complex trials could and must be conducted in accordance with the panoply of due process guarantees. As a result, the principles of international law were stronger and, "accountability for grave crimes is increasingly the expectation rather than the exception."

Describing the current activities of the [Residual Mechanism](#), which will maintain the Tribunal's legacy and carry out its remaining functions, he said it is "serving as a new, effective and efficient model of international court" in carrying out duties such as preparations for administration disposition of records, in further developing its legal and regulatory framework and working on provision of assistance to national jurisdictions.

The fulfilment of the Mechanism's mandate depends on the ongoing support of the Council and the broader international community and on the commitment to all concerned to the invaluable legacies of the tribunals for Rwanda and the former Yugoslavia.

In his remarks, the Prosecutor of the International Residual Mechanisms for Criminal Tribunals, Serge Brammertz, said his Office [remains focused](#) on expeditiously completing the limited number of trials and appeals transferred from the ICTY and on locating and arresting the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR).

He acknowledged that the Tribunal failed to achieve reconciliation in the Former Yugoslavia, where many still viewed convicted war criminals as heroes while victims and survivors were ignored and dismissed. "The reality is that there is still no true will within the region to accept the immense wrongdoings of the past and move forward – sadly, most of all among the political leadership," he said.

Too many people listen to war criminals, who hide behind claims of collective responsibility, when in fact no community bore responsibility for what those men had done. He emphasized that justice is an essential precondition for achieving reconciliation.

Find out more about the ICTY and discover how its ground-breaking work changed the face of international humanitarian law [here](#)