



**PERMANENT MISSION OF BOSNIA AND HERZEGOVINA
TO THE UNITED NATIONS**

STATEMENT

by

**H.E. Dr Zlatko Lagumdžija, Ambassador
Permanent Representative
of Bosnia and Herzegovina to the United Nations
at
the United Nations Security Council meeting on
International Residual Mechanism for Criminal Tribunals**

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Mr. President,

I thank the President of the Mechanism, Ms. Graciela Gatti Santana, and the Prosecutor, Mr. Serge Brammertz, for their briefings related to the progress report on the work of the International Residual Mechanism. As the Mechanism is now shifting towards long-term residual functions, we appreciate detailed projections of this new stage of its mode of operation.

On that note, Mr. President, I wish to highlight the following.

This year we mark several milestones when it comes to international criminal justice. 75th anniversary of the Genocide Convention, 30 years since this body decided to establish the ICTY, closely followed by the ICTR, and 10 years since the Mechanism took over residual functions from these tribunals.

In between, we have witnessed numerous accomplishments and victories for international criminal justice, not least through its precedent-setting decisions on genocide, where the Genocide Convention was invoked in service of accountability for this crime and in support of its prevention.

These intrinsically linked developments were of consequential importance for both Bosnia and Herzegovina and international criminal justice. While we, on our part, take every opportunity to remind of the failures in Bosnia and Herzegovina, today, more than ever, we do it for the sake of lessons we urgently need to learn and stop repeating. \

The work of these pioneering institutions is vital both for the past as well as for the future. It contributed to an indisputable historical record, a crucial element in combating denial and revisionism. And it stands as a most distinctive and decisive warning that there will be consequences. Dedication to the pursuit of justice and the fight against impunity are our most valuable tools in preventing future crimes.

For our part, Mr. President, we are committed to investigating, prosecuting, and punishing all persons responsible for war crimes, regardless of the offender's nationality, ethnicity, religion, political or other affiliation.

The Revised National War Crimes Strategy contains measures to overcome the remaining challenges that hinder the efficient processing of these cases. It will contribute to the realization of justice for the victims of war crimes and support the country on its path towards reconciliation and lasting peace.

On March 30, 2023, the Council of Ministers of Bosnia and Herzegovina formed the Supervisory Body to monitor the implementation of the Revised National War Crimes Strategy. A specified sub-legal framework has been established, which, by improving the efficiency and quality of the processing of war crimes, contributes to the implementation of the Strategy goals. In this regard, the adopted normative framework that established control over the management and influx of newly registered cases of war crimes already resulted in a visible reduction in the number of unsolved cases of war crimes registered within the judicial system.

Additionally, coordination of the High Judicial and Prosecutorial Council of BiH over the activities of the Court of BiH and the Prosecutor's Office of Bosnia and Herzegovina has intensified the functionality of the mechanism for the transfer of proceedings in accordance with Strategic Objective III of the Revised State Strategy contributing to a more adequate dispersion of war crimes cases by levels of justice according to the legal complexity of the case.

Mr. President,

One of the strategic goals of the Strategy is regional cooperation, which is not at a satisfactory level. Around 3000 suspected perpetrators of war crimes, crimes against humanity, and genocide committed in the former Yugoslavia are yet to face justice.

From the total number of all unresolved cases in Bosnia and Herzegovina alone, more than 35% refer to those where persons are unavailable to domestic criminal prosecution authorities. 63.3 percent of those persons are located in the Republic of Croatia, Montenegro, and the Republic of Serbia.

In daily practice, the Court of Bosnia and Herzegovina noticed a problem with the channels of communication with regional prosecutions that take place through the Ministries of Justice of the states in the region. Considering these challenges, it is necessary to do more to strengthen regional cooperation.

After the escape to the Republic of Serbia of the accused Novak Djukic, the Court of Bosnia and Herzegovina requested the judicial authorities of Serbia to recognize and enforce the final judgment in that case, but the Serbian judicial authorities never acted on the verdict. Today, he is a retired general of the VRS and lives in Serbia, where he has been avoiding serving a well-deserved prison sentence ever since.

This not only damages the fragile process of rebuilding trust and open and future-oriented relations between our countries but also perpetuates narratives that go against every civilized norm and principle of humanity, justice, and the rule of law.

Assistance from the Mechanism here is critically important, and we are grateful for the support extended by the Office of the Prosecutor.

Still, the main responsibility in delivering meaningful justice now lies with national judicial institutions, and effective and open regional cooperation among prosecution offices is crucial.

The unavailability of the suspect/accused person not only undermines the general efficiency of our courts in carrying out that heavy responsibility but also propagates impunity and hinders the reconciliation process in the region.

Mr. President,

Allow me also to briefly touch upon the legacy of the ICTY, the ICTR, and the Mechanism.

The Tribunals' jurisprudence has become an indispensable part of today's international law system. Therefore, consolidation, preservation, and availability of all documents, evidence, and records, both physical and digital, remains vital. They are a testimony that transcends individual

moments in history and becomes a legacy that will exist far into the future. Consequently, we should make every effort and provide adequate support to enable that important process to be properly concluded.

Still, I wish to make a further point - the archives of the Tribunal and the Mechanism are also, to the largest extent, archives of the recent history of Bosnia and Herzegovina and have priceless significance to us.

We believe that historical circumstances dictate the need for the archive material to be stored in Bosnia and Herzegovina. Above all, it is documentary evidence to a dominant extent that institutions of Bosnia and Herzegovina gave to the court.

The citizens of Bosnia and Herzegovina make up the largest part of the witnesses and victims who appeared in the court, as the biggest part of all crimes committed in the wars during the dissolution of the former Yugoslavia was committed precisely in Bosnia and Herzegovina. The archive of the court is, to the largest extent archive of the recent history of Bosnia and Herzegovina and has priceless significance for us and especially for victims and their dear ones.

We acknowledge the establishment of the Information Centre in 2018 in Sarajevo, in accordance with Security Council resolution 1966 (2010), which allows for the dissemination of information and access to public judicial records, as a first step to modern digital transformation and full archive preservation.

We use this opportunity to express our desire and support for the comprehensive state-of-the-art digitalization of all archive materials that would be available for ongoing trials as well as for research, education, and public according to the nature of archive elements and legal framework that provides credible preservation, protection and ultimately proper presentation.

And finally, Mr. President,

The cooperation of Bosnia and Herzegovina with the International Residual Mechanism for Criminal Tribunals has been stable and complete.

We will continue that close collaboration to implement the National War Crimes Strategy, advance investigations and prosecutions, and clear the existing backlog.

We will not falter or tire out, neither in our support for the Mechanism in completing its work nor in our determination to deliver much-deserved truth and justice for crimes committed in Bosnia and Herzegovina.

I thank you.