



REPUBLIC OF SERBIA

SIXTY-NINTH SESSION
GENERAL ASSEMBLY
AGENDA ITEMS: 71, 72, 127

Check against delivery

STATEMENT

by

H.E. MR. MILAN MILANOVIĆ

PERMANENT REPRESENTATIVE OF THE REPUBLIC OF SERBIA

13 October 2014

Mr. President,

Before I proceed to make my statement, I would like to welcome Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals, and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda. I thank them for their presentations of the annual reports of the two Tribunals, as well as of the second annual report of the International Residual Mechanism.

Mr. President,

Let me begin by expressing the appreciation of my country of the acknowledgement of the continued high level of cooperation of the Republic of Serbia of which the ICTY President informed in his report. Serbia has made an important contribution to making the ICTY more efficient than most of the other international criminal tribunals; it did so not only by apprehending the last remaining fugitives, but also by diligently providing documents to the Tribunal and enabling witnesses to testify. As a consequence, no outstanding indictee is at large any more and most of the 3 458 requests for assistance received from the Office of the Prosecutor or defence counsels for access to documents, archives and witnesses have been complied with and only those of a more recent date still being processed. This has been brought about not only by the compliance of the Government of Serbia with its international obligations, but also by its firm commitment to the principles of international humanitarian law. Let me reiterate that the Government of my country is committed to continuing the cooperation, both with the Tribunal and the Residual Mechanism.

Serbia welcomes the progress made in the establishment of operational capacities of the Hague Branch of the International Residual Mechanism over the last year. A successful commencement of the work of the Mechanism is of key importance for the implementation of the ICTY mission in accordance with its mandate and, in particular, for enabling national judiciaries to continue to prosecute war crimes. In this context, I would like to mention with particular appreciation the visit to Belgrade of the Mechanism's Prosecutor Hassan Bubakar Jallow on 8 September, during which a Memorandum of Understanding was signed that would facilitate the continued cooperation in exchange of evidence to be used in cases tried by the national judiciary of Serbia.

Mr. President,

Serbia systematically and persistently continues to investigate and indict suspects for war crimes committed in the territory of the former Yugoslavia. So far, Serbian courts have tried 435 persons for criminal offences committed against international humanitarian law, while 73 persons are currently under investigation. We thus expect the other countries from the region of the former Yugoslavia to do the same and try the cases of war crimes in which Serbs were victims. This is their duty not only towards the victims and their own people, but towards humanity as well.

Serbia has followed, with particular attention, the ICTY activities to implement the completion strategy and smooth transition to the Mechanism. It is in the interest of my country to see the processes against its citizens completed and have their defences presented in a fair and expeditious procedure. For, protracted procedures prolong detention, often indefinitely, which is contrary to the recognized norms regulating the rights of the accused. The case of Vojislav Šešelj is indicative in this regard - even 11 years and 8 months after the voluntary surrender and detention in the United Nations Detention Unit, he has not been sentenced yet. It is therefore necessary that the ICTY completes the pending cases as soon as possible with full respect for the trial rights of the accused and the defence.

Regarding the ICTY legacy, the 21-year history of the work of the Tribunal has not, regrettably, been without inconsistencies. The practice is less than contributive to the strengthening of the rule of law and legal security or helpful to the acceptance of the legacy across the post-conflict societies of the former Yugoslavia. It serves no interest either of the accused or of the victims.

Mr. President,

It has been demonstrated very clearly that, short of full cooperation by the countries on whose territories the crimes were committed, justice can hardly be served. Regional cooperation, especially in the coming years when the ICTY ceases its activity, will be of key importance in the struggle against impunity for international criminal offences. Such cooperation with the war crimes prosecutors of Croatia, Bosnia and Herzegovina, Montenegro and EULEX has been constantly intensifying, with evidence being exchanged so far in 252 cases. Let me point out in this regard that the War Crimes Prosecutors of Serbia and Bosnia and Herzegovina signed an Agreement on 11 September on the exchange of liaison officers to facilitate bilateral cooperation on access to evidence.

For its part, my country honours its obligations and will continue to cooperate in good faith and firm belief that justice is both the goal and means to face the past and address the common future. The international judicial system, though, has its own contribution to make through full respect for international norms, human rights and the right to a fair hearing and defence.

In this context, let me reiterate Serbia's readiness for, and its interest in, addressing the question of ICTY archives. We advised the Security Council of our official position on the matter in October 2008. We are also ready to continue the discussion on the issue of information centres.

Mr. President,

As I pointed out in this forum last year, as well as in the debates in the Security Council, Serbia attaches great importance to the initiative to allow those sentenced by the ICTY to serve their sentences in the States that emerged in the territory of the former Yugoslavia. My country has shown its readiness to accept its nationals, as well as other willing persons tried by the ICTY, including those yet to be tried by the Mechanism, and is ready to provide full security guarantees regarding the locations in which those sentences would be served. Today, Serbian nationals serve prison sentences in Austria, Denmark, Estonia, Finland, France, Germany, Norway, Poland, Portugal and Sweden. Our request that sentences be allowed to be served in Serbia is motivated by the desire to overcome difficulties that the sentenced encounter in foreign prisons, particularly those related to the exercise of their human rights. My country has promoted the said initiative very actively and sought, since 2009, to sign a sentence enforcement agreement with the ICTY. Its officials have written to the United Nations and the ICTY on the matter on a number of occasions, but, regrettably, to no avail. The Government of Serbia considers that no legal or political reasons exist today, more than two decades later, for the continued implementation of the 1993 recommendation of the Secretary-General which provides for the enforcement of sentences outside the territory of the former Yugoslavia.

Without prejudging the recommendation of the Secretary-General and in view of President Meron's statement in his report to the General Assembly discussed today, to the effect that the Mechanism is "grateful to those Member States that are enforcing sentences and to those that are willing to consider concluding sentence enforcement agreements" and in respect of his statement in the last report to the Security Council that it is "actively working to secure additional agreements to increase its enforcement capacity and welcomes the cooperation of States in this regard", Serbia would appreciate the opportunity to sign a sentence enforcement agreement with the Mechanism. Let me repeat that the results of longstanding cooperation with the ICTY testify to my country's seriousness and readiness to accept international supervision of the enforcement and provide all necessary guarantees. We also consider that other States in the territory of the former Yugoslavia should be enabled to conclude such agreements with the Mechanism, if they so wish and fulfil the necessary conditions.

In that context, I would like to point out that, on 20 January 2011, Serbia signed the Agreement on the Enforcement of Criminal Sentences with the International Criminal Court. Under the provisions of the Agreement, the persons convicted before the Court for war crimes, crimes against humanity and genocide may serve their sentences in Serbia.

Mr. President,

Let me conclude by saying that by fulfilling its obligations with respect to its cooperation with the ICTY, as well as by trying war crimes in domestic courts to the highest professional standards, the Republic of Serbia has made a significant contribution to the Tribunal's completion strategy, as well as to the process of normalization of relations among the countries of the region. All the results of the years-long cooperation of my country with the Tribunal indicate the seriousness of the Republic of Serbia and its readiness to contribute to the cause of international justice.

Thank you, Mr. President.