

## Finnish Presidency of the Council of the European Union

**Permanent Council No. 623  
7 September 2006**

### **EU Statement in Response to the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Mrs Carla Del Ponte**

The European Union welcomes the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Mrs Carla Del Ponte, back to the Permanent Council and thanks her for her address.

The European Union recognises the significant contribution that the ICTY and the Chief Prosecutor have made to peace, reconciliation and stability in the Western Balkans region. The EU will continue to support the tribunal as it strives to complete its important work. And it will encourage the OSCE to intensify its co-operation with the ICTY to strengthen the Rule of Law in the region.

The European Union recognizes that all the Western Balkan countries concerned have made progress along the path towards the European Union, but notes that further progress remains conditional upon full co-operation with the ICTY. Some positive developments have taken place in this regard since Mrs Del Ponte last addressed the Permanent Council on 19 May 2005. In particular the EU congratulates the ICTY, and the Spanish and Croatian authorities, for their work in bringing about the arrest of General Ante Gotovina in December last year. As the EU said at the time, this arrest marked an important milestone for Croatia and for the region as a whole, and demonstrated the success of the EU's policy of conditionality, insisting that the countries of the Western Balkans fully co-operate with the tribunal.

Whilst the European Union welcomes these positive developments, it profoundly regrets that many perpetrators of war crimes still remain at large, including a small number of senior former leaders indicted by the ICTY. The arrest and transfer of all indicted persons who repeatedly evade international justice remains of the highest importance for the European Union. In particular, the EU again urges all countries concerned to take decisive action to ensure that all remaining fugitive indictees, notably Ratko Mladic and Radovan Karadzic are finally brought to justice.

The European Union shares Mrs Del Ponte's view that regional co-operation in the judicial field is crucially important and welcomes the good work the OSCE and the authorities in the Western Balkans have been doing to promote this. Furthermore, the EU supports Mrs Del Ponte's specific request to the OSCE to promote better co-operation between the governments of Western Balkan countries in respect of the extradition of war crimes suspects and the transfer of proceedings between domestic jurisdictions. The EU agrees that improved co-operation in this area could help fill what Mrs Del Ponte referred to as the "impunity gap". In this context the EU also welcomes her idea of a meeting between the region's Justice Ministers and prosecutors and the International Community to give this initiative some political impetus.

The European Union welcomes the progress that the ICTY has made in implementing its Completion Strategy. The EU expects the trials which will be transferred back to be conducted in accordance with the highest international standards, and is watching developments closely. The EU considers these trials to be an important test of the commitment of these countries to the Rule of Law. The EU shares Mrs Del Ponte's hope that the OSCE's trial monitoring activities will continue to promote high standards and effective judicial systems across the region. In this regard, the EU notes that the ICTY plans to return four non-indicted cases to domestic jurisdiction in the Former Yugoslav Republic of Macedonia. In advance of the transfer of these cases, the authorities in Skopje will have to implement the necessary reforms, and to develop further the capacity of their judicial institutions. The EU welcomes the activities of the OSCE Mission to Skopje in assisting authorities in this task. Should domestic criminal proceedings be initiated as a result of the transfers, the EU believes OSCE trial monitoring of such proceedings should perform the same helpful role, as it already does elsewhere in the region.

The European Union agrees with Mrs Del Ponte that effective witness protection is essential. Contempt of the court is a serious matter that needs to be addressed. In this context the EU has also taken note of the proposals of the Representative on Freedom of the Media.

Mr. Chairman, once again the European Union would like to thank Mrs Del Ponte for her address to the OSCE Permanent Council. The EU will continue to support the tribunal's efforts to promote justice and reconciliation to the benefit of all the peoples of the former Yugoslavia.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey and Croatia <sup>1</sup>, the Countries of the Stabilisation and Association Process and potential candidates Albania and Montenegro, EFTA countries Iceland and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

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<sup>1</sup> Croatia and the Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process