

STATEMENT
IN RESPONSE TO THE ADDRESS BY CHIEF PROSECUTOR OF ICTY
delivered by Vesko Garčević, Ambassador of Serbia and Montenegro
at
the 556th Meeting of the Permanent Council, 19 May 2005

Mr Chairman,

We would like to join others in welcoming the Chief Prosecutor of the ICTY Madam Carla del Ponte and also thank Chairman for giving us a chance to discuss the cooperation between two august international institutions in the matter of utmost importance for the countries in the Region that have to fulfill commitments towards the ICTY as well as for our international partners.

At the very outset, allow me to clearly point out that we are essentially interested in the successful work of the ICTY. The individualization of criminal responsibility toward crimes committed at the territory of the former Yugoslavia is an indivisible part of overall regional process of the confidence building, reconciliation and cooperation. I would like to stress that truth proven in the proceeding before the ICTY is of an extreme importance for the creation of historical perception of tragic events that affected all people of former Yugoslavia during the last decade. At the same time, it should facilitate the final break-up with the heritage of an authoritarian regime and the policy of nationalism, chauvinism, hatred and ethnical cleansing.

Therefore, we welcome the PC decision on the cooperation of ICTY and OSCE. We firmly believe that this cooperation derives from the obligations outlined in the UN SC Resolution 827 and other UN SC Resolutions related to the same issue that set up the legal framework for the engagement of the OSCE as a regional Organization which has an evident comparative advantage in this particular case - the monitoring of domestic proceedings and war crimes trials. This is really important bearing in mind that the time is approaching when the ICTY has to begin to refer cases, it deems appropriate, to national jurisdiction, as part of its completion strategy. The key precondition for the successful implementation of the strategy, as it is stipulated in two respective UN SC Resolution – 1503 and 1534, is the

capacity of domestic jurisdiction to try the referred cases and meet international legal standards in the proceedings. In this context, we commend the role that the OSCE Missions in the Region have played providing the assistance in building capacity for domestic war crimes proceedings. We also encourage the enhancement of the regional cooperation in the future in this regard.

Mr. Chairman,

Authorities in Serbia and Montenegro have invested a lot of efforts to comply with its commitments concerning the cooperation with the ICTY. The cooperation with the ICTY is to be considered in several clusters: apprehension and transfer of fugitives, granting waivers to the indictees transferred to the Tribunal, production of documents, regional cooperation, the completion strategy of the ICTY. The number of indictees transferred from Serbia and Montenegro to the Tribunal, rose to 36. In last three months, 12 indictees have voluntarily surrendered and transferred to the ICTY. The Office of the Prosecutor has so far been provided with several thousands of documents, including a number of classified documents that includes documents of the Counter-Intelligence Service of the Army. Serbia and Montenegro supports the EU Council of Ministers position on measures for the effective implementation of the ICTY mandate relating to freezing the funds of the fugitives. The law on freezing the assets of the fugitives is in enacting procedure before the Parliaments of Serbia and Montenegro. In the meantime, the Belgrade District Court has imposed an interim measure of freezing the fugitives funds.

In parallel, the Council of Ministers of Serbia and Montenegro and the Government of Serbia have granted waivers to 345 former state officials. A few waivers are currently being processed by the Council and will be completed in coming days.

Simultaneously, Serbia and Montenegro is actively engaged in regional cooperation and initiatives aimed at strengthening the inter-state wide scope cooperation in war crimes proceedings. The prosecutor of the Republic of Serbia has signed a Memorandum of Understanding with his Croatian counterpart. Similar Memoranda are to be signed later this year with the prosecutors of Bosnia and Herzegovina and Macedonia.

Furthermore, the recent visit of the Chief Prosecutor Carla del Ponte and ICTY President Theodor Meron to Belgrade, as well as the visit of the President of the National Council of Serbia and Montenegro for the cooperation with ICTY to The Hague, critically contributed to the re-establishment of the atmosphere of mutual confidence and openness.

Mr. Chairman,

Concluding, I would like to underline the determination of the authorities in Serbia and Montenegro to contribute to the work of the ICTY and to bring to justice all those accountable for the war crimes committed in the territory of the former Yugoslavia. We are aware that full and complete reconciliation in our Region is not possible without closing chapter no matter how politically delicate, difficult and sometimes painful that process may be.

I thank you Madam Prosecutor once again for your appearance and presentation at today's Permanent council meeting.