

**Trilateral Ministerial Conference on Inter-state Judicial Co-operation
In War Crime Proceedings**

Brijuni Island, 8 June 2005

Chair's Statement

The Ministers responsible for inter-state judicial cooperation, in particular as related to the prosecution of war crimes, in Bosnia and Herzegovina, Croatia and Serbia and Montenegro, met today on Brijuni Island. During their discussions, they identified individual and joint activities that should be undertaken where appropriate with the assistance of the international community in order to ensure enhanced co-operation between their countries for purposes of the fair and impartial prosecution of war crimes and putting an end to impunity.

The Ministers confirmed their countries' commitment to implement all relevant international conventions and bilateral agreements.

The Ministers acknowledged the progress made recently between their countries with regard to judicial cooperation on war crimes prosecution. They also acknowledged that domestic prosecutions, including cases transferred to their countries from the International Criminal Tribunal for the former Yugoslavia (ICTY), will require intensified cooperation.

The Chair observed that the following main points discussed prior to and during the ministerial meeting appeared to have consensus:

1. To take necessary steps to ensure a legislative framework in each of their countries, if such a framework is not yet in place, that facilitates direct cooperation between their judiciaries thereby ensuring the expeditious handling of requests for international legal assistance in war crimes cases;
2. Until a legislative framework is in place in each of their countries that permits direct cooperation, to take all necessary steps to ensure the full and efficient implementation of existing mechanisms for judicial cooperation;
3. To take the necessary steps to ensure the institutionalization in each of their countries of a wide range of services aimed to support and facilitate the participation of witnesses and victims in war crimes trials;
4. To support the continuing and direct dialogue between experts from their countries to continue to develop links for cooperation as well as proposals for reform needed to enhance cooperation and eliminate obstacles;
5. To provide Government support in each of their countries to cooperation at all levels for purposes of ending impunity, while ensuring fair trials before impartial tribunals and the assignment of individual responsibility for crimes committed;
6. To regularly review the progress toward these objectives;
7. To welcome the continued support of the OSCE in this process.

The Chair observed that the ministerial delegations maintained different views on how to address the question of their own nationals sought by the judiciaries of the other two countries, in particular the issues of transfer of proceedings, extradition, and acquisition of citizenship primarily for the purposes of avoiding extradition.