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Delegation of Switzerland to the OSCE

**STATEMENT BY THE DELEGATION OF SWITZERLAND AT THE  
MEETING OF THE OSCE PERMANENT COUNCIL**

7 September 2006

**In response to the address by Mrs. Carla del Ponte, Chief Prosecutor of the  
International Criminal Tribunal for the former Yugoslavia**

Mr. Chairman,

Switzerland would like once again to warmly welcome the Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) to the Permanent Council. We are grateful to Mrs. Carla del Ponte for her personal and steadfast commitment in the fight against impunity for war crimes within the framework of the ICTY. It is after all not just in the interests of the international community that war criminals are brought to justice. The governments and citizens of the countries concerned must also be interested in seeing that the law is enforced and crimes punished. Only in this way can peace and the rule of law be consolidated in the region. Switzerland supports the Criminal Tribunal for the former Yugoslavia and in particular the work of its Chief Prosecutor.

We therefore welcome Mrs. del Ponte's appeal to these governments to strengthen transnational co-operation between their criminal justice authorities. In the increasingly integrated Europe of the twenty-first century, war criminals can no longer be allowed to remain unchecked because a State fails to extradite or prosecute them itself. This "impunity gap", as the Chief Prosecutor calls it, must be closed. We believe that the meeting she has proposed involving all the countries concerned together with the Council of Europe and the European Commission is a tried and tested means of approaching this problem with the greatest possible consensus.

Switzerland welcomes the transfer of individual cases from The Hague to the prosecuting authorities and criminal justice bodies in the countries of origin of the accused as a way of increasing the responsibility of the countries concerned. The observation of these proceedings by OSCE representatives guarantees a fair trial that is based on the rule of law and is in keeping with international obligations.

Today's visit by the Chief Prosecutor of the ICTY once again demonstrates how important this institution is in dealing with the conflicts in the former Yugoslavia and thus for security and stability in the region. It is not just that the victims of war crimes have a legitimate right to demand that those responsible be punished. It is only through atonement

for the crimes committed that it is possible to begin a process of reconciliation, without which the region will be unlikely to develop peacefully over the long term.

In view of the temporary nature of the mandate of the Chief Prosecutor and the Criminal Tribunal in The Hague it is important to work with determination to reach a decision in the legal proceedings still pending. This requires the co-operation of all the countries involved. The hope of being able to escape conviction as deadlines expire is misguided. Unsolved cases will cast a shadow not only over the individual in question but also over the government responsible and will tarnish its reputation in the process. International relations will be increasingly based on agreements under international law, and compliance and the rule of law will play a central role. It must therefore be in the interests of every State to speak out in favour of the primacy of the rule of law and to act accordingly.

I should like to thank Mrs. del Ponte and her team for their commitment to a peace that will enable the Western Balkans to continue to develop and integrate into South-Eastern Europe and Europe as a whole. Good-neighbourly relations are a prerequisite for success in an increasingly globalized world. I wish the International Criminal Tribunal for the former Yugoslavia and its Chief Prosecutor every success in their endeavours to expose injustice and thus to make it clear that war criminals can no longer expect to go unpunished.

Mr. Chairman,

Thank you for your attention.