

**Security Council**

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**Letter dated 16 November 2015 from the President of the
International Tribunal for the Prosecution of Persons Responsible
for Serious Violations of International Humanitarian Law
Committed in the Territory of the Former Yugoslavia since 1991,
addressed to the President of the Security Council**

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I would be grateful if you could transmit the present letter and its annexes to the members of the Security Council.

(Signed) Theodor **Merón**
President



Annex I

Assessment and report of Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) covering the period from 16 May 2015 to 16 November 2015

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1. The present report is submitted pursuant to Security Council resolution 1534 (2004), adopted on 26 March 2004, in which the Security Council, in paragraph 6 of the resolution, requested the International Criminal Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy.¹
2. The report also includes a summary of the measures that the Tribunal continues to take to complete the smooth transition to the International Residual Mechanism for Criminal Tribunals.

I. Introduction

3. The International Tribunal for the Former Yugoslavia continued to make progress in completing its work. At the close of the reporting period, 4 trials, involving 4 individuals, and 3 appeals, involving 10 individuals, were ongoing. One of the appeals is scheduled to be rendered before the end of this year. In addition, the Judges of the Appeals Chamber are also scheduled to deliver the final judgement in the largest appeal case ever adjudicated by the International Criminal Tribunal for Rwanda, namely the *Nyiramasuhuko et al.* case (“*Butare* case”), on 14 December 2015.
4. Following the arrests of Ratko Mladić and Goran Hadžić in 2011, there are no outstanding International Tribunal for the Former Yugoslavia fugitives of the Tribunal. To date, the Tribunal has concluded proceedings against 147 of the 161 individuals it has indicted.
5. The Tribunal continues to make every effort to meet the targets of its completion strategy and the forecast judgement delivery dates. Unfortunately, some limited delays will affect two ongoing trials, though the Tribunal’s judicial work will still be completed by the end of 2017. Those delays are caused by a number of factors, most prominently staff attrition and health problems of the accused, as well as certain other case-specific factors. Judges are doing their utmost to identify measures to expedite the pending cases.
6. The Tribunal is continuing to downsize as rapidly as it can, while ensuring that full support is provided to the remaining trials and appeals. The Tribunal has also continued its diligent efforts to complete the smooth transition of functions to the International Residual Mechanism for Criminal Tribunals in compliance with Security Council resolution 1966 (2010). The work of the Appeals Chamber continued to

¹ The present report should be read in conjunction with the previous 23 reports submitted pursuant to Security Council resolution 1534 (2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007; S/2007/663 of 12 November 2007; S/2008/326 of 14 May 2008; S/2008/729 of 24 November 2008; S/2009/252 of 18 May 2009; S/2009/589 of 13 November 2009; S/2010/270 of 1 June 2010; S/2010/588 of 19 November 2010; S/2011/316 of 18 May 2011; S/2011/716 of 16 November 2011; S/2012/354 of 23 May 2012; S/2012/847 of 19 November 2012; S/2013/308 of 23 May 2013; S/2013/678 of 18 November 2013; S/2014/351 of 16 May 2014; S/2014/827 of 19 November 2014; and S/2015/342 of 15 May 2015. Except where otherwise noted, this report contains information accurate as of 16 November 2015.

benefit from the decision of the Council to bring it back to its full complement of judges through the election of a replacement judge in November 2013.

II. Implementation of the completion strategy

7. The International Tribunal for the Former Yugoslavia remains committed to completing its work expeditiously, while ensuring that its trials and appeals are conducted in a manner consistent with fundamental principles of due process and fairness. It is continuing to implement measures to expedite its work. These measures include planning additional training programmes for legal drafters in the Tribunal's Chambers; providing teams with additional staff resources as needed; maintaining rosters of qualified applicants to ensure that departing staff are replaced promptly; requesting flexibility in applying United Nations staff regulations that could lead to delays in staff recruitment and retention; and taking other measures to address the effects of downsizing on staff members' morale. In addition, the Trial and Appeals Schedule Working Group of the Tribunal, under the chairmanship of the Tribunal's Vice-President, closely monitors the progress of trials and appeals, identifying obstacles that could delay judicial proceedings and measures to alleviate possible delays.

8. As noted above and in earlier reports, the most critical challenge faced by the Tribunal is staff attrition. As the Tribunal's closure date approaches, the attrition rate has significantly accelerated, in particular among mid- and senior-level staff members who have departed for more secure employment opportunities, depriving the Tribunal of their institutional knowledge and valuable experience in handling the Tribunal's complicated caseload. Those individuals brought extensive case-specific knowledge to the trials and appeals they worked on and their departures directly contribute to the delays reported below. While new staff are recruited as rapidly as possible, they inevitably require significant amounts of time to master the voluminous and complex records of ongoing cases and acquire the necessary familiarity with the Tribunal's internal procedures.

9. The Tribunal warned about the potential impact of staff attrition in previous completion strategy reports and proposed to address this challenge through adoption of an International Civil Service Commission-endorsed end-of-service grant, which would provide a payment to staff members who remained at the Tribunal until their positions were eventually downsized.² The grant was planned after discussions with the Tribunal's Staff Union and would have been especially effective in providing mid- and senior-level Chambers staff with the financial stability they needed to remain at the Tribunal until the completion of their cases, as those staff members often have families and require the security that the financial grant would have ensured. However, although the Advisory Committee on Administrative and Budgetary Questions accepted the business case for an end-of-service grant, the idea was rejected by the Fifth Committee of the General Assembly, despite the Tribunal's analyses which indicated that by facilitating more rapid completion of cases, the grant would result in solid financial savings.

² See, for example, S/2011/716 of 16 November 2011, pp. 12-13; S/2012/354 of 23 May 2012, p. 11; S/2012/847 of 19 November 2012, p. 10; S/2013/308 of 23 May 2013, p. 11; S/2013/678 of 18 November 2013, pp. 7-8.

10. In order to provide a more comprehensive overview of the challenges faced by the Tribunal in individual cases and of the Tribunal's progress in completing its work, summaries of remaining trials and appeals are provided below.³

A. Trial proceedings

11. In the case of *Prosecutor v. Goran Hadžić*, the accused individual is charged with 14 counts of crimes against humanity and violations of the laws or customs of war. The previous Completion Strategy Report stated that the trial judgement was expected in October 2016, 10 months later than originally anticipated.

12. As previously reported, the defence case commenced on 3 July 2014, but the trial has been adjourned since 20 October 2014 owing to the grave health condition of Mr. Hadžić. Further medical examinations of Mr. Hadžić were conducted in May, June, and July 2015 and hearings were held with medical experts in July and August 2015 in order to determine whether he is fit to stand trial. Following those hearings, the parties made further submissions on Mr. Hadžić's fitness to stand trial and whether the trial should continue. On 26 October 2015, the Trial Chamber decided to stay the proceedings, considering that while the accused is still fit to stand trial (majority decision), his health condition and life expectancy preclude his detention at the United Nations Detention Unit in The Hague. The decision to stay the proceedings has been taken for an initial, renewable period of three months.

13. The Presiding Judge of the case has reported that the impact of Mr. Hadžić's condition and the Trial Chamber's decision to temporarily stay the proceedings on the case's projected completion date cannot be assessed with precision. However, it is not expected that the case will come to an end on a date later than October 2016.

14. In the case of *Prosecutor v. Radovan Karadžić*, the accused is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war. The Presiding Judge has revised the projected time frame for the issuance of the trial judgement, which is now expected at the latest by the end of March 2016, a maximum of three months later than previously anticipated.

15. The delay in the delivery of the trial judgement is attributable primarily to the magnitude and complexity of the case, which have inevitably had an impact on the deliberation and drafting processes. The scope of the case is illustrated by the following: (a) the Indictment in this case is based on allegations covering a four-year time frame and events in over 20 municipalities in Bosnia and Herzegovina, while the accused, who was at the apex of the civilian and military authorities of Republika Srpska (the self-proclaimed Bosnian-Serb entity within Bosnia and Herzegovina), is charged with participation in four separate joint criminal enterprises and liability for a vast array of crimes, including two counts of genocide; (b) the Chamber heard 585 witnesses and admitted 11,500 exhibits over a trial period of four years; and (c) the total number of transcript pages in the case is close to 50,000, while case filings amount to approximately 93,000 pages and exhibits to approximately 150,000 pages. In a case of this magnitude and complexity, the Chamber cannot always predict with precision the obstacles and challenges that need to be addressed for the

³ As there have not been any developments in cases referred to national jurisdictions during the reporting period, no updates on such cases are provided in the present report. There have also been no new contempt cases during the reporting period.

timely completion of the case until the deliberation process is well under way. Other factors that have contributed to the delay include: (a) the heavy motion practice, which continued unabated after the completion of the closing arguments on 7 October 2014; and (b) serious staffing shortages. While the departure of experienced staff members was somewhat alleviated by the recruitment of additional staff members on temporary contracts, those measures were not sufficient to counterbalance the loss of institutional memory and case knowledge and its impact on the progress of the case. The Chamber will continue to do its utmost to render the judgement as expeditiously as possible before the end of March 2016.

16. In the case of *Prosecutor v. Ratko Mladić*, the accused individual is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war. As indicated in the previous report, the trial judgement is expected in November 2017. The plan to assign additional staff resources in order to expedite the preparation of the trial judgement has not yet been implemented. The judges and legal support team expect those additional resources to be provided in January 2016, following the completion of other cases.

17. In the case of *Prosecutor v. Vojislav Šešelj*, the accused is charged with nine counts of crimes against humanity and violations of the laws or customs of war. The Trial Chamber assigned to the case has reported that Judge Mandiaye Niang (who replaced Judge Frederik Harhoff in late 2013) certified in late June 2015 that he has adequately familiarized himself with the record of the trial so as to be able to partake in the deliberations. However, the continuous departures during the reporting period of members of the legal support team who are the guardians of the institutional memory of the case have delayed the process of providing the judges with sufficiently complete drafts on the basis of which the judges would deliberate. In particular, the team changed leaders twice during the reporting period, after the departure of the experienced team leader in July 2015 and the subsequent departure of her replacement. The team has since been reinforced with the recruitment of a new team leader at the P-4 level in August 2015 and a legal officer at the P-3 level, as well as a number of associate legal officers on temporary contracts. The new legal team has received specific instructions from the judges concerning the drafting process and has been working relentlessly to provide the judges with complete factual and legal drafts by 18 November 2015. The Trial Chamber expects to receive good quality drafts and therefore plans to deliver the written judgement in this case during the first quarter of 2016. Depending on the progress of deliberations, the judges are also exploring the possibility of rendering an oral judgement as soon as possible; the oral judgement would precede the written judgement by a few weeks.

B. Appeal proceedings

18. In the case of *Prosecutor v. Jadranko Prlić et al.*, the projected time frame for delivery of the appeal judgement is November 2017. This is the most voluminous appellate case in the history of the Tribunal with seven appeals (one by each of the six defendants, as well as the Prosecution), 172 grounds of appeal, and 12,196 pages of appellate submissions. It will be a challenge to meet the projected time frame with no slippage whatsoever, yet the Chamber remains committed to complete the case by November 2017. The plan set forth in the previous report to allow deployment of additional staff resources on a staggered basis with the completion of other cases has been overcome by recently announced delays in those cases.

However, the drafting of the preparatory document analysing the parties' appellate submissions is on track and, importantly, the Tribunal's final biennial budget submission calls for a drastic increase in the number of staff assigned to this case. Furthermore, the core leadership of the team includes staff members with extensive experience in working on voluminous appellate cases.

19. In the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the projected time frame for the delivery of the appeal judgement is unchanged. The appeal hearing was held on 6 July 2015 and, in accordance with the scheduling order issued on 3 November 2015, the appeal judgement will be pronounced on 15 December 2015.

20. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, the projected time frame for the delivery of the appeal judgement remains unchanged and the appeal judgement is expected in June 2016. The appeal hearing is scheduled to take place on 16 December 2015.

21. Finally, the Appeals Chamber of the International Criminal Tribunal for Rwanda, on which Judges of the International Tribunal for the Former Yugoslavia also sit, is scheduled to deliver the judgement in the only remaining and largest appeal case of the Tribunal for Rwanda, the *Butare* case, on 14 December 2015.

III. Judicial support and administration activities

A. Support for core judicial activities

22. The main priority of the Registry during the reporting period continued to be the provision of full support to the judicial activities of the International Tribunal for the Former Yugoslavia, thereby assisting the Tribunal in achieving its completion strategy targets.

23. During the reporting period, the Registry processed and disseminated over 1,828 internal and external filings, amounting to 38,077 pages. In addition, the Registry drafted and filed approximately 80 legal submissions relating to the ongoing trials and appeals, as well as completed cases, of the Tribunal. The Registry further translated 12,000 pages and provided 600 conference interpreter days. The Registry also facilitated and serviced 91 court days, in support of the ongoing trials and appeals.

24. The Registry's Victims and Witnesses Section provided assistance to approximately 55 witnesses and support persons during the reporting period, including to witnesses testifying in ongoing trials before the Tribunal. This assistance included the provision of logistical and psychosocial support prior to, during, and after testimony in The Hague and other locations, as well as catering to diverse needs relating to age, medical condition, psychosocial well-being and physical security. The Victims and Witnesses Section continued to comply with an increasing number of judicial orders to consult protected witnesses in connection with requests for the rescission, variation, or augmentation of their protective measures. Locating witnesses and verification of their identities remains challenging, especially for those witnesses who testified over a decade ago and have not been in contact with the Tribunal since. The function of protecting witnesses in completed cases has been transferred to the Mechanism since 1 July 2013.

25. During the reporting period, the Office for Legal Aid and Defence Matters continued to administer the Tribunal's legal aid system, overseeing approximately 130 defence team members, who work with both represented and self-represented accused, thereby safeguarding the defendants' rights to legal representation and adequate resources for their defence. The Office also assisted detained witnesses in securing legal representation and administered the appointment and remuneration of amici curiae. Following the transfer of functions to the Mechanism, the Office for Legal Aid and Defence Matters also provides support to the Mechanism Registry on matters pertaining to the provision of legal aid to (partially) indigent accused and persons detained under the authority of the Mechanism. This included, inter alia, working with the Arusha Branch of the Mechanism Registry to develop defence remuneration policies. Finally, the Office has been collaborating with the Arusha Branch with respect to consultations with the Association of Defence Counsel Practising Before the International Tribunal for the Former Yugoslavia and matters pertaining to post-conviction representation.

26. The Registry also continued to operate the United Nations Detention Unit. The Unit is an autonomous remand and detention centre located within a Dutch penitentiary in Scheveningen, The Hague, and runs a programme of detention and remand which is in line with or exceeds international humanitarian standards. The Unit detained 17 persons during the reporting period; the current number of detainees at the Unit is 13. Having downsized from three prison wings to two in April 2015, the Detention Unit is currently preparing for a further reduction to a single prison wing, presently projected for May 2016.

B. Downsizing

27. The Tribunal remains committed to meeting the projected date for its closure in 2017 and continues to implement its downsizing process, which was recognized by the Office of Internal Oversight Services as "best practice in leadership of a change process". In accordance with the Tribunal's downsizing plans for the 2014-2015 biennium, 379 posts would remain at the end of the current year. Nevertheless, revisions to the trial and appeal schedule required some adjustments to those projections, and thus by the end of the current calendar year, the Tribunal will have approximately 400 posts, reflecting a reduction of roughly 70 per cent of the peak staffing levels of approximately 1,300 posts in 2006. The comparative review process for abolishments of posts for the upcoming 2016-2017 biennium was conducted during the second and third quarters of 2015.

28. The Tribunal's Career Transition Office supports staff in all aspects of career transition during the period of downsizing and closure of the Tribunal by offering training courses and organizing workshops and briefings.

IV. Support for the International Residual Mechanism for Criminal Tribunals

A. Overview of Mechanism-related activities

29. During the reporting period, the Registry continued to provide the branch of the Mechanism in The Hague with judicial support services, which included assistance

with the maintenance of judicial records, legal aid, language services, detention services, and witness support services. In addition, assistance was provided to the Mechanism in completing its regulatory framework so as to reflect lessons learned and best practices from both the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Furthermore, all sections of the Registry have continued to support the Mechanism, as needed, with regard to a variety of operations, including recruitment, communications, information technology support, and overall Registry management.

B. Administrative support provided to the Mechanism

30. According to the 2014-2015 budget for the Mechanism, administrative support services will be provided by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, with the assistance of a limited number of administrative staff funded by the Mechanism. Accordingly, the two Tribunals are continuing to ensure that both branches of the Mechanism are provided with effective administrative services throughout 2014-2015, particularly in the light of the imminent closure of the Tribunal for Rwanda at the end of 2015.

31. In addition to the support provided by the International Tribunal for the Former Yugoslavia to the Mechanism in the areas of human resources, general services, procurement, finance, budget, and information technology, the Tribunal contributes significantly to the definition of requirements and procurement of goods and services for the new Mechanism facility in Arusha, which is expected to be completed in 2016. With the impending closure of the International Criminal Tribunal for Rwanda and the assumption by the Mechanism of responsibility for the United Nations Detention Facility, as well as for the provision of general services at the Arusha Branch, the International Tribunal for the Former Yugoslavia is assisting Mechanism colleagues in Arusha with the necessary procurement and logistical activities to ensure a smooth transition. The Tribunal also provided substantial assistance to the Mechanism in the preparation of its 2016-2017 budget, as well as the recent Second Performance Report. In addition, and perhaps most significantly, the Tribunal provided extensive support to the Mechanism during the implementation of Umoja, the new enterprise resource planning software of the United Nations, and will continue to provide administrative and technical support to the Mechanism to ensure the smooth operation of Umoja in the coming reporting period.

C. Information security and access regime for Tribunal and Mechanism records

32. Following the issuance of Secretary-General's bulletin ST/SGB/2012/3 on International Criminal Tribunals: information sensitivity, classification, handling and access, the Mechanism Archives and Records Section is developing a policy to govern public access to Tribunal and Mechanism records. The policy is based on the principle of openness and transparency of the work of the United Nations, while fully recognizing the need to protect sensitive information.

D. Preparation of records for migration to the Mechanism

33. The Tribunal's records and archives working group continues to coordinate and oversee the implementation of an overall project plan for the transfer of Tribunal records to the Mechanism. The Working Group has prepared a comprehensive risk assessment for the project, and the Section has provided briefings for Tribunal managers on their responsibilities for addressing the risks identified.

34. Tribunal offices, including the Field Offices in Belgrade and Sarajevo, continue to identify and appraise their records and prepare appropriate records for transfer to the Mechanism under the direction and with the support of the Mechanism Archives and Records Section. The International Tribunal for the Former Yugoslavia has now transferred the physical records of all its completed cases to the Mechanism. In total, the International Tribunal for the Former Yugoslavia has transferred approximately 30 per cent of its anticipated volume of physical archives to the Mechanism.

35. The Mechanism Archives and Records Section is leading the ongoing work to digitize the audiovisual recordings of the Tribunal's judicial proceedings. This work is necessary both to preserve the recordings and to provide online access to them through the Tribunal's website. It is anticipated that online access to the first batch of these recordings will be provided by the end of 2015.

E. Premises

36. Security Council resolution 1966 (2010) identifies the seats of the branches of the Mechanism as The Hague and Arusha. In order to maximize cost savings and efficiency, the branches of the Mechanism are co-located with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, until their respective closures.

V. Communications and outreach

37. The Registry's Communications Service continued to produce information materials using both new and traditional media, to inform stakeholders about the judicial proceedings and broader outreach work of the International Tribunal for the Former Yugoslavia. The Media Office ensured that journalists had access to accurate, up-to-date information and audiovisual material on ongoing cases, as well as archive material for reports relating, in particular, to the twentieth commemoration of the Srebrenica genocide in July 2015. The Tribunal's presence on the social media platforms Facebook, Twitter and YouTube continued to expand, with over 300,000 views of content, 30 per cent of which came from the former Yugoslavia. More than 800,000 pages of the website of the International Tribunal for the Former Yugoslavia were viewed during the reporting period. Approximately 16 per cent of the views emanated from the former Yugoslavia. More than 3,500 people, predominantly students and legal professionals, visited the Tribunal and heard presentations about its work and achievements.

38. The outreach programme continued to work with its partners to deliver factual information to communities in the former Yugoslavia about the work of the International Tribunal for the Former Yugoslavia. This involved, inter alia,

production and distribution of a short documentary entitled *ICTY Remembers: the Srebrenica Genocide (1995-2015)*, which was viewed by more than 120,000 people online. Along with four other outreach documentaries, this was broadcast by 12 television stations, including the State television station in Bosnia and Herzegovina, a regional network that also covers Serbia and Croatia, and United Nations Television. The fourth cycle of the youth outreach project, with generous support provided by the Government of Finland, was initiated with lectures on the Tribunal's work delivered to over 200 students in Bosnia and Herzegovina, Croatia, Montenegro, Serbia and Slovenia. With the aim of empowering local educators to continue this project after the closure of the Tribunal, workshops were held for high school teachers in Serbia and a non-governmental organization partner in Croatia. The Tribunal's liaison offices provided assistance for the work of the Tribunal by discharging the Registry's functions and carrying out media and outreach activities, both in Bosnia and Herzegovina and in Serbia.

39. The outreach programme is generously funded by the European Union, which, following discussions in Brussels between the Tribunal's President and Registrar and officials of the European Union in September 2015, has agreed to extend its financial support so as to ensure continuation of the programme until the closure of the Tribunal. The Tribunal underscores the importance of General Assembly resolution 65/253, in which the Assembly encouraged the Secretary-General to continue to explore measures to raise adequate voluntary resources to fund the outreach programme, and calls upon States and other donors to offer their support.

VI. Legacy and capacity-building

40. Pursuant to paragraph 15 of Security Council resolution 1966 (2010), the International Tribunal for the Former Yugoslavia has sought the cooperation of the Governments of the States of the former Yugoslavia in establishing information and documentation centres to provide public access to the Tribunal's public records and archives. Significant progress has been made in Bosnia and Herzegovina, where the Government supports the establishment of information centres in Sarajevo and Srebrenica. Negotiations with representatives of the City of Sarajevo and the Srebrenica-Potočari Memorial Centre on signing of the memorandum of understanding, which will guide the process of establishment of those two information centres, are progressing satisfactorily and are expected to come to conclusion in the upcoming months.

41. The Web Unit of the Communications Service led a major multimedia project on the occasion of the twentieth commemoration of the Srebrenica genocide. This multichannel and multilingual communications campaign paid tribute to the victims and presented the work of the Tribunal in adjudicating the crimes committed in 1995. Material from the campaign was taken up by the international media, major regional news channels, non-governmental organizations, and the Srebrenica-Potočari Memorial Centre itself.

42. The Web Unit reached a milestone in the Legacy Websites Project with the integration of the redesigned website of the International Tribunal for the Former Yugoslavia into a unified content management system, on which the websites of the Mechanism and International Criminal Tribunal for Rwanda already operate.

VII. Conclusion

43. The International Tribunal for the Former Yugoslavia has completed almost all its cases, with two important and voluminous appeal cases scheduled to be completed before the end of the calendar year 2015 and two complex trials expected to be completed during the next reporting period. By the end of 2015 only four trials, involving four accused individuals, and two appeals, involving eight defendants in total, will remain pending. The success of the Tribunal in accounting for all of the 161 individuals indicted and continued progress in completing its last trials and appeals underscore the international community's commitment to promoting the rule of law and ending impunity.

44. As this report clearly sets out, the International Tribunal for the Former Yugoslavia continues to face significant challenges. Staff attrition in particular is causing delays to trials and appeals and the Tribunal's inability to offer an end-of-service incentive has significantly worsened this problem. However, the Tribunal continues to take all steps within its powers to complete its work in an expeditious manner and has succeeded in ensuring that all judicial work will be completed in 2017, in line with previous forecasts. The Tribunal will continue to make every effort to complete its remaining work as expeditiously as possible.

45. The delays described above should not overshadow the enormous achievements of the Tribunal and its unique contribution to ending impunity. These contributions to the rule of law are due to the hard work of the Tribunal's judges, staff members, prosecutors, and defence lawyers. But they are also a reflection of the continuing support provided by the Security Council, the Office of Legal Affairs, other organs of the United Nations, national Governments, non-governmental and transnational organizations, and other supporters. The contributions of all those stakeholders have been and continue to be crucial to the success of the Tribunal.

Annex II

[Original: English and French]

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council in accordance with paragraph 6 of Security Council resolution 1534 (2004)

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I. Overview

1. The Prosecutor submits this twenty-fourth completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments between 16 May and 15 November 2015.

2. During the reporting period, the Office of the Prosecutor remained focused on ensuring that the remaining trials proceeded expeditiously and that the Appeals Division was effectively prepared for its remaining appellate work. At the end of the reporting period, four cases remained in the trial phase (*Karadžić, Mladić, Hadžić and Šešelj*), while appeal proceedings were ongoing in three cases (*Stanišić and Simatović, Stanišić and Župljanin* and *Prlić et al.*). In the *Mladić* case, the presentation of the defence case continued, while the trial proceedings in the *Hadžić* case still had not resumed since October 2014 and the Trial Chamber has ordered that the proceedings be stayed for a further three months due to the accused's ill-health. In the *Karadžić* and *Šešelj* cases, the parties continued to await the judgements of the Trial Chambers. No trial or appeal judgements were issued during the reporting period.

3. Also during the reporting period, the authorities in Bosnia and Herzegovina, Serbia and Croatia responded appropriately to the requests for assistance from the Office of the Prosecutor.

4. As noted in its six previous reports, the Office of the Prosecutor is concerned with the pace and effectiveness of war crimes prosecutions by national authorities in the former Yugoslavia. The Office of the Prosecutor welcomes the progress made by the Prosecutor's Office of Bosnia and Herzegovina in resolving outstanding Category II cases, and expects that it will honour its commitment to make prosecutorial decisions in all Category II cases by the end of 2015. The delays in completing those cases raise concerns regarding the large backload of cases in the Prosecutor's Office of Bosnia and Herzegovina, as well as other prosecution offices in the region, must still be addressed. In addition, the small number of cases involving senior- and mid-level officials to date in national courts in the region is particularly concerning. The Office of the Prosecutor of the Tribunal remains of the view that those challenges can be successfully addressed and overcome if there is national ownership of post-conflict justice, appropriately supported by international assistance. The Office of the Prosecutor will continue to engage directly with national authorities and encourage full ownership of and responsibility for the accountability process.

5. During the reporting period, the Office of the Prosecutor of the Tribunal finalized its manuscript documenting two decades of investigation and prosecution of crimes of conflict-related sexual violence at the International Tribunal for the Former Yugoslavia. This publication, crafted with a capacity-building focus, is a tangible demonstration of the Office's commitment to recording and disseminating its lessons learned. This and similar legacy activities, which the Office is undertaking within existing resources, maximize the value of investments in the work of the Office while also enabling meaningful improvements in the work of international and national judicial authorities in addressing international crimes.

6. During the reporting period, the challenge of severe staff attrition persisted within the Office of the Prosecutor of the Tribunal, and was further compounded by the recruitment of staff to serve with the International Residual Mechanism for

Criminal Tribunals. Due to rapid rates of departure, remaining staff members continued to take on two or more roles in order to ensure that court-imposed deadlines were met and that other essential work was completed on time. Given its inability to offer secure long-term employment, the Office remains committed to exploring and undertaking ways to encourage staff to remain until their posts are downsized. However, there is a limit on what may be achieved in the absence of meaningful incentives for staff members to remain to complete the mandate of the Office. The Office of the Prosecutor would welcome the opportunity to hold discussions with the Secretariat and the bodies of the United Nations system on proactive measures to assist its staff to transition to new roles in other organizations.

7. The Office of the Prosecutor of the Tribunal has continued to assist officials and personnel of the International Residual Mechanism for Criminal Tribunals in transferring functions in accordance with the transitional arrangements prescribed by the Security Council. As a result of ongoing and extensive recruitment of former staff of the Office of the Prosecutor of the Tribunal by the Mechanism, the Office of the Prosecutor of the Tribunal will now look increasingly to the Office of the Prosecutor of the Mechanism for support through double-hatting and other flexible arrangements in order to complete the trials and appeals remaining with the International Tribunal for the Former Yugoslavia.

II. The completion of trials and appeals

A. Overview of ongoing challenges

8. As noted by the Prosecutor in his previous report, the primary challenge remains the increasing potential that health issues of the accused may prevent the completion of ongoing trials and appeals. It now appears increasingly unlikely that the *Hadžić* case will be completed. *Šešelj's* reported serious medical issues prompted his provisional release on humanitarian grounds. The Tribunal's priority must be to complete all remaining cases as expeditiously as possible and ensure that justice is done.

B. Update on the progress of trials

1. *Šešelj*

9. During the reporting period, there was a further delay in the issuance of the trial judgement in the *Šešelj* case, which is now projected to be delivered in March 2016. As of the reporting date, *Šešelj* F remains on provisional release in Serbia. The Office of the Prosecutor completed the presentation of its evidence on 13 January 2010. The defence did not present any evidence. Closing arguments were heard in March 2012. The Office remains of the view that all efforts should be undertaken to expedite the pronouncement of the trial judgement in this case.

2. *Karadžić*

10. This case has been completed, and the Trial Chamber is preparing its judgement, which is now expected to be issued in March 2016. The Office of the

Prosecutor submitted its final trial brief on 29 August 2014. Closing arguments were presented between 29 September and 7 October 2014.

11. During the reporting period, the Office of the Prosecutor continued to satisfy its post-trial obligations so that the case could be handed over to the International Residual Mechanism for Criminal Tribunals following the trial judgement. This process has involved, among other tasks, searching for and reviewing a significant number of documents for disclosure purposes, responding to requests for disclosure filed by Karadžić, and responding to a variety of motions filed by Karadžić.

3. *Mladić*

12. The Office of the Prosecutor of the Tribunal closed its case on 24 February 2014. The *Mladić* defence began the presentation of its evidence on 19 May 2014. The *Mladić* defence has been making extensive use of written evidence pursuant to Rule 92 ter, which reduces the time taken for oral testimony overall, but still involves courtroom time for the Office of the Prosecutor and the Trial Chamber to ask questions of the defence witnesses in person. The Office has endeavoured to conduct cross-examinations within the minimum time necessary to fulfil its obligations.

13. During the reporting period, the Office briefly reopened its case-in-chief to present newly discovered evidence on the Tomašica mass grave, as previewed in earlier reports. This limited presentation of additional evidence began on 22 June and was completed on 8 July 2015.

14. The trial team of the Office of the Prosecutor in the *Mladić* case has already experienced severe attrition, in particular during the past year, with the departure of two Senior Trial Attorneys and numerous other experienced lawyers with case-specific knowledge. The Office continues to monitor the situation and to redeploy resources as required, and is committed to ensuring that all remaining work in this case is completed in accordance with court deadlines and in accordance with the highest standards.

4. *Hadžić*

15. The Trial Chamber adjourned trial proceedings in the *Hadžić* case on 20 October 2014 owing to the ill health of the defendant, approximately midway through the presentation of the defence case. Throughout the past two reporting periods, the Office of the Prosecutor has continued to pursue all reasonable options for the resumption and completion of the trial, advocating the expeditious completion of the trial in a manner consistent with the accused's right to a fair trial. On 27 February, 23 March and 19 June 2015, the Office of the Prosecutor filed proposals to continue with the trial and agreed to the admission of the remainder of the defence evidence. The *Hadžić* defence on 17 June 2015 filed its "Urgent Motion to Terminate, or for Stay of, Proceedings". Hadžić has been on provisional release residing at his home in Serbia since April 2015.

16. On 26 October 2015, the Trial Chamber issued its consolidated decision on the outstanding motions, wherein it rejected the proposals of the Office of the Prosecutor and ordered that the trial proceedings would remain suspended for another three-month period. The Trial Chamber concluded that a further three-month suspension of the trial would be the most prudent course of action, allowing

the Trial Chamber to continue to remain seized of the proceeding, monitor Hadžić's health, and order a resumption of the trial in the unlikely event that Hadžić's health improves. On 2 November 2015, the Office of the Prosecutor filed a motion requesting the Trial Chamber to grant certification allowing it to appeal that decision. That motion is currently pending.

C. Update on the progress of appeals

17. The Appeals Division of the Office of Prosecutor of the Tribunal continues to be focused on the expeditious and effective completion of the three final appeals proceedings before the International Tribunal for the Former Yugoslavia (*Stanišić and Simatović*, *Stanišić and Župljanin* and *Prlić et al.*). During the reporting period, the Appeals Division presented its oral submissions in *Stanišić and Simatović* at the hearing held on 6 July 2015. It also continued preparations for the appeals hearing in *Stanišić and Župljanin*, which has now been scheduled for 16 December 2015.

18. During the reporting period, the Appeals Division suffered significant attrition, which was exacerbated by the recruitment of staff to serve with the International Residual Mechanism for Criminal Tribunals. In addition to staff members in the Appeals Division who were recruited during previous reporting periods, eight former members of the legal staff of the Appeals Division have now taken up positions with the Mechanism to support anticipated appellate activity in the coming months. Combined with other attrition, the workforce of the Appeals Division has been reduced to six legal staff. The Office of the Prosecutor of the Tribunal is pleased that the unique case-specific knowledge and experience in relation to the work of the Tribunal possessed by its staff has been recognized by the Mechanism. Nonetheless, the human resources of the Appeals Division have been drastically reduced even as it must complete its three remaining appeals proceedings, including oral submissions in the *Stanišić and Župljanin* and *Prlić et al.* cases. Efforts are under way to coordinate double-hatting arrangements so that the case-specific knowledge and expertise of former staff of the Appeals Division will continue to be available for appeals cases of the Tribunal. However, the situation is complex owing to uncertainties regarding the timing and scope of judgements and ensuing appeals proceedings in the cases of the Mechanism in early 2016, which will have implications for the assignment of suitable staff between the cases of the Tribunal and the Mechanism. As a result, the Appeals Division is working on contingency plans to ensure that sufficient resources are available to complete all activities on schedule.

19. The Appeals Division continues to assist trial teams with briefing major legal issues, drafting final trial briefs and preparing closing submissions.

III. State cooperation with the Office of the Prosecutor of the Tribunal

20. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 29 of the Statute of the Tribunal.

A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

21. During the reporting period, cooperation by Serbia, Croatia and Bosnia and Herzegovina with the Office of Prosecutor of the Tribunal remained satisfactory. The Prosecutor met with officials in Sarajevo from 19 to 21 October 2015, and is scheduled to meet with officials in Belgrade on 19 and 20 November 2015. In addition, throughout the reporting period, the Office of the Prosecutor has maintained a direct dialogue with governmental and judicial authorities from Serbia, Croatia and Bosnia and Herzegovina. The field offices in Sarajevo and Belgrade continued to facilitate the work of the Office of the Prosecutor in Bosnia and Herzegovina and Serbia, respectively.

1. Cooperation between Serbia and the Office of the Prosecutor

22. The requirement that the Office has access to documents and archives in Serbia remains important for ongoing trial and appeals proceedings of the International Tribunal for the Former Yugoslavia. Serbia has shown appropriate diligence in processing the Office's requests for assistance.

2. Cooperation between Croatia and the Office of the Prosecutor

23. The Office continues to rely on Croatia's cooperation to efficiently complete trials and appeals. Croatia has responded diligently to the Office's requests for assistance during the present reporting period.

3. Cooperation between Bosnia and Herzegovina and the Office of the Prosecutor

24. The Office continues to rely on the cooperation of Bosnia and Herzegovina to efficiently complete trials and appeals. National authorities, at both the State and entity levels, have responded promptly and adequately to the Office's requests for documents and access to Government archives. The authorities have also provided valuable assistance with witness protection matters and have facilitated the appearance of witnesses before the Tribunal.

B. Cooperation between other States and organizations and the Office of the Prosecutor

25. Cooperation and support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of the cases at the International Tribunal. Continued assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office again acknowledges the support it received during the reporting period from States Members of the United Nations, States and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization (NATO) and the Organization for Security and Cooperation in Europe (OSCE).

26. The international community continues to play an important role in providing incentives for States in the former Yugoslavia to cooperate with the Tribunal. The policy of the European Union of Tribunal conditionality, linking membership

progress to full cooperation with the Tribunal, remains an effective tool for ensuring continued cooperation with the Tribunal and consolidating the rule of law in the former Yugoslavia. Assistance is also increasingly needed to support the prosecution of war crimes cases in the former Yugoslavia.

IV. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions

27. As the Tribunal nears the completion of its mandate, the Office of the Prosecutor remains committed to promoting the effective prosecution of war crimes in the former Yugoslavia through ongoing dialogue with counterparts and efforts to build capacity in the national justice sectors. The effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental to build and sustain the rule of law, as well as for truth-seeking and reconciliation. With the approaching completion of the Tribunal's mandate, accountability for those crimes now depends on national prosecution offices and judiciaries. Over the past few years, the Office has redoubled its efforts, within existing resources, to monitor, support and advise national judicial authorities responsible for the prosecution of cases of war crimes.

28. Overall, while the processing of war crimes cases in the national judiciaries in the region continues, the pace of this work is not commensurate with the backlog of cases still remaining to be completed, and sufficient progress has not yet been made in investigating and prosecuting complex cases involving senior- and mid-level officials. During the reporting period, there continued to be some important results in war crimes prosecutions by national judiciaries in the region. The Office recognizes that many national prosecutors and judges are undertaking their responsibilities in a professional and independent manner. The Office also recognizes that following repeated delays, the Prosecutor's Office of Bosnia and Herzegovina has made progress in resolving pending Category II cases.

29. Nonetheless, representatives of victims continue to express their dissatisfaction with progress in processing war crimes cases, and are increasingly doubtful that national criminal justice will achieve meaningful accountability. After seven years, it is clear that the goals of the Bosnia and Herzegovina National War Crimes Strategy will not be met, a result that seems more often to be met with apathy and resignation than critical reflection and renewed determination. The Office of the Prosecutor believes that more can and should be done.

A. Challenges in establishing accountability for war crimes in the former Yugoslavia

1. Regional cooperation

30. Regional cooperation is essential to ensure that those responsible for crimes are held accountable, particularly as many suspects are no longer present in the territory where they are alleged to have committed the crimes and cannot be extradited to the territorial State for prosecution. During the reporting period, regional cooperation continued, and progress was made in coordinating activities

and transferring case files. However, several events highlighted that there are still challenges that must be overcome.

31. A notable development in regional cooperation during the reporting period is the first transfer of Category II case files between national authorities using the regional cooperation protocols. As previously reported, the Category II case files, which were initially investigated by the Office of the Prosecutor, were transferred to national authorities in the region to finalize. The Prosecutor's Office of Bosnia and Herzegovina has now transferred investigative files against two suspects to the State Attorney General of Croatia for further processing. The Office welcomes this example of regional cooperation to ensure more comprehensive accountability. The State Attorney General of Croatia has committed to update the Office of the Prosecutor on the status of those cases, and the Prosecutor will travel to Croatia in the coming months to discuss the transferred cases with governmental and judicial officials. The Office encourages the judicial authorities of Croatia to process the transferred cases as expeditiously and effectively as possible, and will report on progress made in future reports.

32. However, the *Djukić* case, previously raised in the two previous reports, remains unresolved as at the end of the reporting period, prompting concerns about the effectiveness of regional enforcement procedures. Novak Djukić, formerly commander of the Ozren Tactical Group of the Army of the Republika Srpska, was convicted and sentenced by the State Court of Bosnia and Herzegovina to 20 years' imprisonment for the so-called "Tuzla Gate Massacre", in which 71 civilians were murdered and 240 were wounded. While on release pending resentencing, Djukić left Bosnia and Herzegovina for medical treatment in Serbia, and then refused to return in July 2014 when summoned to report to jail. As Djukić cannot be extradited to Bosnia and Herzegovina, his sentence can be enforced only through the agreement between Serbia and Bosnia and Herzegovina on mutual execution of court decisions in criminal matters. After delays, the Court of Bosnia and Herzegovina commenced the necessary legal processes to request Serbia to enforce Djukić's sentence. The Office of the Prosecutor urges Serbian authorities to now promptly and appropriately respond to this request. This is an important opportunity for Serbia to visibly demonstrate its willingness and ability to enforce sentences from foreign criminal judgments, and the Office of the Prosecutor will continue to monitor the situation and engage as appropriate with national authorities in both countries.

2. Challenges in Bosnia and Herzegovina

33. During two visits to Sarajevo in October 2015, the Prosecutor and staff of the Office of the Prosecutor met with the President of the Court of Bosnia and Herzegovina, the Chief Prosecutor and representatives of the Prosecutor's Office of Bosnia and Herzegovina. The Prosecutor also met with the Chief Prosecutor of the Herzegovina-Neretva Canton in October 2015 to discuss the processing of war crimes at the cantonal level. The Office continued to monitor the processing of war crimes cases, particularly the Category II cases, throughout the reporting period.

34. There was some progress during the reporting period with respect to the investigation and prosecution of the Category II cases (investigation files), including the filing of an indictment against a senior local official for crimes committed in Brčko District. Additional indictments are expected shortly after the

end of the reporting period. The Prosecutor's Office of Bosnia and Herzegovina made firm commitments to take prosecutorial decisions in all outstanding cases by the end of 2015. The Office of the Prosecutor of the Tribunal will continue to closely monitor those cases and hopes to be able to report at the end of the year that those commitments have been fulfilled, although available information suggests that a decision in at least one case will be delayed until early 2016.

35. In previous reports, the Office of the Prosecutor identified the need for improved leadership and management in the Prosecutor's Office of Bosnia and Herzegovina. The Office recognizes that its counterpart in Bosnia and Herzegovina redeployed significant resources to the Category II cases in order to help ensure that this work is finally completed. It is important that this positive step is built upon and sustained. Consistent with the objectives identified in the National War Crimes Strategy, the Prosecutor's Office of Bosnia and Herzegovina should now ensure that resources, particularly those provided by the European Union's Instrument for Pre-accession Assistance II, are appropriately deployed to and efficiently utilized for the most complex and highest priority cases.

36. The implementation of the National War Crimes Strategy continues to be considerably delayed, and a large backlog of cases remains to be prosecuted. The Prosecutor's Office of Bosnia and Herzegovina has noted the large number of war crimes indictments filed in the last few years. While recognizing this progress, the Office of the Prosecutor of the Tribunal has consistently emphasized that absolute numbers are only one measure of performance, and that it is equally, if not more, critical that high-quality indictments are filed in the most complex and highest priority cases. In this regard, during the reporting period, approximately 25 per cent of the new indictments filed by the Prosecutor's Office of Bosnia and Herzegovina concerned such cases. More generally, issues previously reported concerning the work of the Prosecutor's Office of Bosnia and Herzegovina remain open, including quality control, failure to join related cases and insufficient charges for crimes against humanity. In addition, over the past year judicial authorities at the entity, cantonal and district levels have reported a range of concerns regarding cooperation with the Prosecutor's Office of Bosnia and Herzegovina. Positive progress was made, however, with the filing of an indictment against a senior local official for crimes committed in Čajniče.

37. During the reporting period, the OSCE mission to Bosnia and Herzegovina commissioned a highly experienced independent expert to analyse issues that were previously reported by the Office of the Prosecutor of the Tribunal regarding the filing and confirmation of indictments before the Court of Bosnia and Herzegovina in war crimes cases. The Office welcomes the continued support of OSCE to improvement in the processing of war crimes cases in Bosnia and Herzegovina. The Office further appreciates the active engagement by the High Judicial and Prosecutorial Council with this matter, which helped to ensure the cooperation of the Prosecutor's Office of Bosnia and Herzegovina with the OSCE expert. The expert's report, which is expected to be issued shortly after the end of the reporting period, will be an important opportunity to improve war crimes processing in Bosnia and Herzegovina. The Office of the Prosecutor encourages the High Judicial and Prosecutorial Council to continue to provide active leadership in this process.

3. Challenges in Serbia

38. The Prosecutor is scheduled to meet with officials in Belgrade on 19 and 20 November 2015 to discuss the processing of war crimes cases in Serbia. The field office of the Office of the Prosecutor of the Tribunal in Belgrade continued to regularly engage with relevant judicial and governmental officials on relevant issues throughout the reporting period.

39. As noted in the Prosecutor's previous report, Serbian judicial authorities must process a large number of war crimes cases that will predominately, but not exclusively, involve Serbian nationals suspected of committing crimes against nationals of other States. The Office welcomes the stated commitment of Serbian authorities to pursue accountability without regard to ethnicity and religion, as recently reconfirmed by the representative of Serbia to the Security Council at the meeting of 3 June 2015. The Office also welcomes the continuing efforts of the War Crimes Prosecutor's Office to develop a prosecutorial strategy and the efforts of national authorities to create a national war crimes strategy to define the goals of accountability initiatives and integrate the many aspects of post-conflict justice.

40. In this regard, the OSCE mission to Serbia recently published a report on war crimes proceedings in Serbia from 2003 to 2014. As its foremost concern, OSCE noted that public and political opinion in Serbia does not support war crimes prosecutions against accused who are predominately Serbian. OSCE believes this lack of public support could have a negative impact on the investigation and prosecution of war crimes. OSCE further reported that in the 11-year period covered, the War Crimes Prosecutor's Office indicted approximately 160 persons for war crimes, but that the pace of trials is declining while also largely involving suspects with lower-level profiles. The War Crimes Prosecutor's Office disputes the figures cited by OSCE, but generally considers that the OSCE report usefully identifies key challenges in processing war crimes cases.

41. In the view the Office of the Prosecutor, prosecutions of war crimes in Serbia are at a crucial crossroads. It is important to recognize the achievements of the War Crimes Prosecutor's Office to date, which could not have been foreseen a decade ago. Yet, at the same time, many more cases remain to be investigated and prosecuted in Serbia against nationals of the country, and there have not yet been sufficient prosecutions involving senior- and mid-level accused. The War Crimes Prosecutor's Office has achieved visible results recently, including preparing indictments in the *Štrpci* case and for crimes committed in Srebrenica. The Office of the Prosecutor of the Tribunal encourages the War Crimes Prosecutor's Office to build upon these achievements by bringing well supported indictments against senior- and mid-level suspects. The War Crimes Prosecutor's Office should adopt a prosecutorial strategy that clearly identifies complex cases against such suspects as the highest priority. This prosecutorial strategy should be in accordance with a national war crimes strategy, demonstratively supported by the Serbian authorities, that confirms the objective of accountability at the highest levels of military and civilian leadership for war crimes committed in the conflicts in the former Yugoslavia.

42. The Office of the Prosecutor of the Tribunal is seriously concerned by reports that war crimes investigations are facing a number of administrative hurdles and barriers that are not being proactively resolved by the responsible institutions. The Office has previously underscored that it is essential that the War Crimes

Prosecutor's Office is provided with the support of dedicated investigators who have demonstrated professional competence. It is further important that the War Crimes Prosecutor's Office and its assigned investigators are able to ensure the confidentiality of highly sensitive investigations, and that conflict of interest controls are in place to avoid the appearance of improper influence on such investigations. The Office urges the Serbian authorities to ensure that their declared commitment to justice for war crimes is translated into appropriate administrative arrangements and policies.

B. Support from the Office of the Prosecutor of the Tribunal to prosecutions of regional war crimes

43. The Office of the Prosecutor continues to assist countries in the former Yugoslavia to more successfully handle their remaining war crimes cases. The Immediate Office of the Prosecutor under the Prosecutor's direction leads the work of the Office to facilitate the prosecution of domestic war crimes cases through transfers of information and expertise.

1. Access to information in the databases of the Office of the Prosecutor of the Tribunal and in case records of the International Tribunal for the Former Yugoslavia

44. During the reporting period, the Office continued to provide information and evidence to national jurisdictions investigating and prosecuting crimes arising out of the conflicts in the former Yugoslavia. Judicial authorities in third-party States also require information and evidence from the Office to support criminal and no-safe-haven proceedings in their courts. The evidence collection of the Office comprises more than 9 million pages of documents and thousands of hours of audio and video records, most of which was not introduced into evidence in any proceeding of the Tribunal, and thus are available only from the Office of the Prosecutor.

45. As at 1 July 2013, the Hague Branch of the International Residual Mechanism for Criminal Tribunals assumed responsibility for requests for assistance regarding completed cases of the International Tribunal for the Former Yugoslavia. The Office of the Prosecutor of the Tribunal, however, retained the responsibility in relation to requests for assistance regarding the ongoing cases of the Tribunal. The personnel of the International Tribunal for the Former Yugoslavia continued to provide assistance to the staff members of the Mechanism in dealing with requests for assistance and vice versa.

46. In the period from 16 May 2015, 138 requests for assistance were submitted to the Office of the Prosecutor of the Tribunal and the Office of the Prosecutor of the Mechanism (Hague Branch) for information and access to evidence. A total of 102 requests for assistance were submitted by judicial authorities in Bosnia and Herzegovina, 6 from Serbia, 26 from Croatia and 4 from other States. In total, 45,540 pages of documentary evidence and 152 audiovisual files were handed over to national judicial authorities to support their investigations and prosecutions.

47. In the period from 16 May 2015, the Office of the Prosecutor of the Tribunal responded to 5 Rule 75 (H) applications from judicial authorities in the region in relation to ongoing cases of the Tribunal. The International Residual Mechanism for Criminal Tribunals has assumed responsibility for applications seeking variation of

protective measures for completed cases of the International Tribunal for the Former Yugoslavia pursuant to Rule 86 (H) of the Rules of Procedure and Evidence of the Mechanism.

2. European Union/International Tribunal for the Former Yugoslavia project

48. The joint European Union/Tribunal Training Project for National Prosecutors and Young Professionals from the former Yugoslavia continues to be a central component of the strategy of the Office of the Prosecutor of the Tribunal to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases. The presence of liaison prosecutors facilitates contacts between the trial teams of the Office of the Prosecutor and the regional judicial authorities. This is of utmost importance for the ongoing trial and appeals cases of the Tribunal, as well as for the cases which are prosecuted at the local level.

49. Another part of the training project involves bringing young legal professionals from the former Yugoslavia with a commitment to prosecute war crimes cases to work as interns with the Office of the Prosecutor in The Hague. In September 2015, a new group of six young legal professionals from Bosnia and Herzegovina, Croatia and Serbia commenced their 5-month internships. By investing in the education and training of these young legal professionals, the Office is transferring expertise which can build capacity in domestic institutions to make progress in their prosecution of war crimes cases.

50. The Office of the Prosecutor strongly encourages national judiciaries to recognize and take full advantage of the valuable skills and expertise developed by participants in the project. Liaison prosecutors, when returning to their home offices, may be well placed to undertake demanding assignments and assume leadership roles in their institutions. Likewise, young professionals should be seriously considered for positions as legal officers and prosecutors in the light of the unique experience and advanced knowledge gained during their internships. The Office has begun monitoring the career progression of former participants and will provide reports to national authorities as appropriate.

51. The Office of the Prosecutor is grateful to the European Union for providing support for this very important project, thereby recognizing the need to build capacity by educating and training young lawyers from the region. The European Union and the Office of the Prosecutor have agreed to continue the young professionals component of the project until the end of 2015 and to continue the liaison prosecutors component of the project until the end of 2016.

3. Regional training

52. The Office of the Prosecutor has long supported capacity-building efforts in regional justice sectors, within existing resources, by providing training to its regional counterparts on a range of issues. During the reporting period, the Office continued to participate, as requested, in training programmes for personnel working on war crimes cases.

53. As previously reported, the Office prepared and circulated its report assessing the training needs of personnel working on war crimes cases in Bosnia and Herzegovina. The Office encourages donors and training providers to give serious consideration to the recommendations made in the training needs assessment report

of the Office of the Prosecutor as reinforced by recent discussions between the Office and stakeholders.

C. Investigating and identifying missing persons

54. As previously reported, in the Prosecutor's meetings with victims' associations, the lack of information concerning missing family members is consistently identified as one of the most important outstanding issues. The search for and exhumation of mass graves and the subsequent identification of the remains need to be accelerated. It is fundamental to reconciliation in the former Yugoslavia. Victims from all sides of the conflict need to be identified.

55. During his mission to Sarajevo in October, the Prosecutor met with national authorities responsible for missing persons, including the Missing Persons Institute of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina, as well as international stakeholders. The participants agreed that while it was important to continue to review existing information to identify whether there are additional leads to locate missing persons, further meaningful progress will not be possible without the cooperation of the public, and, even more critically, that of participants and insiders who know the locations of mass graves and other burial sites. There is no doubt that those persons who were members of military and civilian authorities during the conflicts have relevant information. However, in the current sociopolitical environment which glorifies war criminals, there is strong pressure put on individuals against coming forward and providing information. The Office of the Prosecutor of the Tribunal will work with counterparts to identify strategies to overcome this challenge.

56. Bosnia and Herzegovina, Croatia, Montenegro and Serbia have undertaken commitments to assume additional responsibilities in the investigation and identification of persons who went missing during the conflicts. The Office of the Prosecutor encourages those authorities to ensure that their commitments are translated into concrete activities and results.

D. Compensation for victims

57. The Office of the Prosecutor encourages its national counterparts to actively work within the existing legal frameworks to incorporate compensation claims into criminal trial proceedings where possible. Procedures should be streamlined to assist victims of war crimes in obtaining redress and to discourage the imposition of unnecessary burdens upon the victims, including by requiring them to bring separate civil compensation proceedings. The Office also strongly encourages the adoption by Governments of operational guidelines for prosecutors in order to improve consistency of approach across prosecution offices. This, in turn, would ensure better outcomes for victims and increase their confidence in the rule of law.

E. Global capacity-building

58. In addition to its work in the former Yugoslavia, the Office of the Prosecutor of the Tribunal has been increasingly called upon to engage with national criminal

justice sectors around the world that are developing their capacity to prosecute war crimes or complex crimes in challenging environments. The Office aims to ensure that the lessons learned from its work and the best practices that have been developed for international prosecutions are widely shared with national counterparts working across a range of criminal justice issues. Within the limits of its operational capacity, the Office will continue to engage with training providers and donors working in regions outside the former Yugoslavia to ensure that appropriate practical training in investigative and prosecutorial techniques is made available.

59. Most notably during the reporting period, the Office of the Prosecutor completed its manuscript on the prosecution of crimes of conflict-related sexual violence over the course of the mandate of the International Tribunal for the Former Yugoslavia. The publication thoroughly documents and analyses the work of the Office of the Prosecutor and the jurisprudence of the Tribunal on such crimes and adopts a critical approach that recognizes both the achievements that have been made and, equally, areas that need further development and improvement. Prepared with a capacity-building focus, the Office's manuscript will be an invaluable tool for practitioners, allowing them to learn from the experiences of the Office and to identify best practices to be utilized in their own work. To ensure that it is made available to the broadest possible audience, the Office has commenced discussions with partners to translate the manuscript into other languages. The Office of the Prosecutor will also shortly begin to adapt the manuscript into a practical training manual. The Office would welcome discussions with Member States who would be interested in supporting the dissemination of the manuscript and training materials and raising awareness of the critical need to improve the investigation and prosecution of crimes of conflict-related sexual violence.

60. The drafting of other legacy-related papers is also in progress as of the writing of the present report, covering topics that include: lessons learned by the Office from the tracking of fugitives; the use of intercepted conversations as evidence at the Tribunal; the development and progress of investigations in the Office, including through the use of multidisciplinary teams of experts; practical aspects of prosecuting superior responsibility cases; as well as a number of other topics relevant to investigating and prosecuting complex crimes. As those experiences are potentially relevant to other judicial accountability mechanisms confronted with similar challenges, the Office of the Prosecutor hopes to make publicly available a number of those legacy papers in the course of the next biennium to the extent compatible with operational requirements for completion of the remaining trials and appeals.

V. Downsizing

A. Downsizing of posts of the Office of the Prosecutor and provision of career transition support to staff of the Office

61. At the beginning of the biennium, the Office had a total of 170 staff members. As at 1 January 2015, 44 posts had been downsized, while a further 45 posts were downsized as at 15 November 2015. The Office of the Prosecutor will continue to downsize posts based on the completion of relevant phases of the trial and appeals

proceedings. While delays in the completion of trial proceedings in the *Šešelj* and *Karadžić* cases could have had an impact on the downsizing of the Office, it was able to absorb the additional requirements from within existing resources and continue its downsizing on schedule.

62. The Office is actively supporting measures to assist staff in making the transition from their work at the International Tribunal for the Former Yugoslavia to the next step in their careers. The Office of the Prosecutor continues to support training for its staff members and to assist staff in taking advantage of the services offered by the Career Transition Office. In relation to this development, the Office is implementing its detailed strategy regarding training programmes and networking opportunities to assist its staff members. As part of this strategy, the Office is working on facilitating opportunities for its staff members to become qualified for various standby rosters in the United Nations and to work for short periods with other United Nations bodies on issues to which they can contribute valuable expertise. Given the difficulties of releasing staff members for lengthy periods, the Office is seeking to identify short-term opportunities (ideally, for a few weeks) for staff members on discrete assignments that can be accommodated in the light of the operational requirements of the Office.

B. Supporting and sharing resources with the International Residual Mechanism for Criminal Tribunals (Hague Branch)

63. During the current reporting period, the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia has continued to provide support and share resources with the Office of the Prosecutor of the Mechanism for International Criminal Tribunals. In particular, work has proceeded on providing assistance to national authorities, including with respect to incoming requests for assistance unrelated to ongoing trials of the Tribunal, and the procedures regarding the variation of protective measures for witnesses pursuant to Rules 75 (G) and (H).

64. As noted, the Office of the Prosecutor has suffered significant attrition in the past few reporting periods as a result of the recruitment by the Office of the Prosecutor of the Mechanism of former staff members of the Office. With the level of staffing up in the Office of the Prosecutor of the Mechanism and simultaneous downsizing in the Office of the Prosecutor of the Tribunal, there is an increasing shift to a situation in which the Office of the Prosecutor of the Tribunal will depend on support and assistance from the Office of the Prosecutor of the Mechanism. Efforts are under way to coordinate double-hatting arrangements so that the case-specific knowledge and expertise of staff of the Office of the Prosecutor of the Mechanism staff who formerly served with the Office of the Prosecutor of the Tribunal will be available to support cases of the International Tribunal for the Former Yugoslavia. However, the situation is complex, and the Office of the Prosecutor of the Tribunal will continue to develop contingency plans in the event that sufficient support is not available from the Office of the Prosecutor of the Mechanism.

VI. Conclusion

65. The Office of the Prosecutor of the Tribunal remains firmly focused on expeditiously completing its remaining trials and appeals while simultaneously reducing its resources and downsizing its staff. To ensure that those goals are met, the Office will continue to take measures within its control to reduce the time necessary to complete the remaining trials and appeals while continuing to allocate resources flexibly and to effectively manage staff attrition and downsizing.

66. Significant challenges remain with respect to the regional prosecutions of war crimes, particularly in Bosnia and Herzegovina. Some positive results have been achieved, but more expeditious progress is needed in the light of the scale of work to be completed. The Office will continue to engage with counterparts and support improvement in the national processing of war crimes. The Office will also continue to encourage improved regional cooperation on matters involving war crimes and will closely monitor developments.

67. In all of those endeavours, the Office relies upon, and hopes to retain, the continuing support of the international community and especially of the United Nations Security Council.

Enclosure I**A. Trial judgements 16 May 2015 to 16 November 2015 (by individual)**

<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial judgement</i>
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None

**B. Appeal judgements 16 May 2015 to 16 November 2015
(by individual)**

<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Appeal judgement</i>
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None

Enclosure II**A. Persons on trial as of 16 November 2015 (by individual)**

<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Start of trial</i>
Vojislav Šešelj	President, Serbian Radical Party	26 February 2003	Trial commenced on 7 November 2007
Radovan Karadžić	President, Republika Srpska	31 July 2008	Trial commenced on 26 October 2009
Ratko Mladić	Commander of the Bosnian Serb Army, Main Staff	3 June 2011	Trial commenced on 16 May 2012
Goran Hadžić	President, Serbian Autonomous District Slavonia, Baranja and Western Srem	25 July 2011	Trial commenced on 16 October 2012

B. Persons on appeal as of 16 November 2015 (by individual)

<i>Name</i>	<i>Former title</i>	<i>Date of trial judgement</i>
Jovica Stanišić	Head, State Security Services, Republic of Serbia	30 May 2013
Franco Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	30 May 2013
Mičo Stanišić	Minister, Internal Affairs, Republika Srpska	27 March 2013
Stojan Župljanin	Chief of the Serb-Operated Regional Security Services Centre, Banja Luka	27 March 2013
Jadranko Prlić	President, Croatian Republic of Herceg-Bosna	29 May 2013
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna	29 May 2013
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council	29 May 2013
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council	29 May 2013
Berislav Pušić	Control Officer, Department of Criminal Investigations, Military Police Administration, Croatian Defence Council	29 May 2013
Slobodan Praljak	Assistant Minister of Defence of Croatia and Commander of the Croatian Defence Council, Main Staff	29 May 2013

**C. Trial judgements for contempt 16 May 2015 to 16 November 2015
(by individual)**

<i>Name</i>	<i>Former title</i>	<i>Date of (order in lieu of) indictment</i>	<i>Trial judgement</i>
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None

**D. Appeal judgements for contempt 16 May 2015 to 16 November
2015 (by individual)**

<i>Name</i>	<i>Former title</i>	<i>Date of trial contempt judgement</i>	<i>Appeal judgement</i>
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None

Enclosure III

**Proceedings completed during the period 16 May 2015 to
16 November 2015**

**A. Trial judgements rendered in the period
16 May to 16 November 2015**

None

**B. Contempt judgements rendered in the reporting
period 16 May to 16 November 2015**

None

**C. Appeals from judgements rendered in the period
16 May to 16 November 2015**

None

**D. Appeals from contempt rendered in the
reporting period 16 May to 16 November 2015**

None

**E. Final interlocutory decisions rendered on appeal
in the period 16 May to 16 November 2015**

1. Mladić IT-09-92-AR73.5 (22 May 2015)
2. Hadžić IT-04-75-AR65.2 (24 June 2015)
3. Šešelj IT-03-67-AR65.1 (21 October 2015)

**F. Review, referral and other appeal decisions
rendered in the period 16 May to 16 November
2015**

None

Enclosure IV**Ongoing proceedings as of 16 November 2015**

A. Trial judgements pending as of 16 November 2015

1. Šešelj IT-03-67-T
2. Karadžić IT-95-5/18-T
3. Mladić IT-09-92-T
4. Hadžić IT-04-75-T

B. Contempt judgement pending as of 16 November 2015

None

C. Appeals from judgements pending as of 16 November 2015

1. Stanišić and Župljanin IT-08-91-A
2. Prlić et al. IT-04-74-A
3. Stanišić and Simatović IT-03-69-A

D. Appeals from contempt pending as of 16 November 2015

None

E. Interlocutory decisions pending as of 16 November 2015

None

F. Review, referral and other appeal decisions pending as at 16 November 2015

None

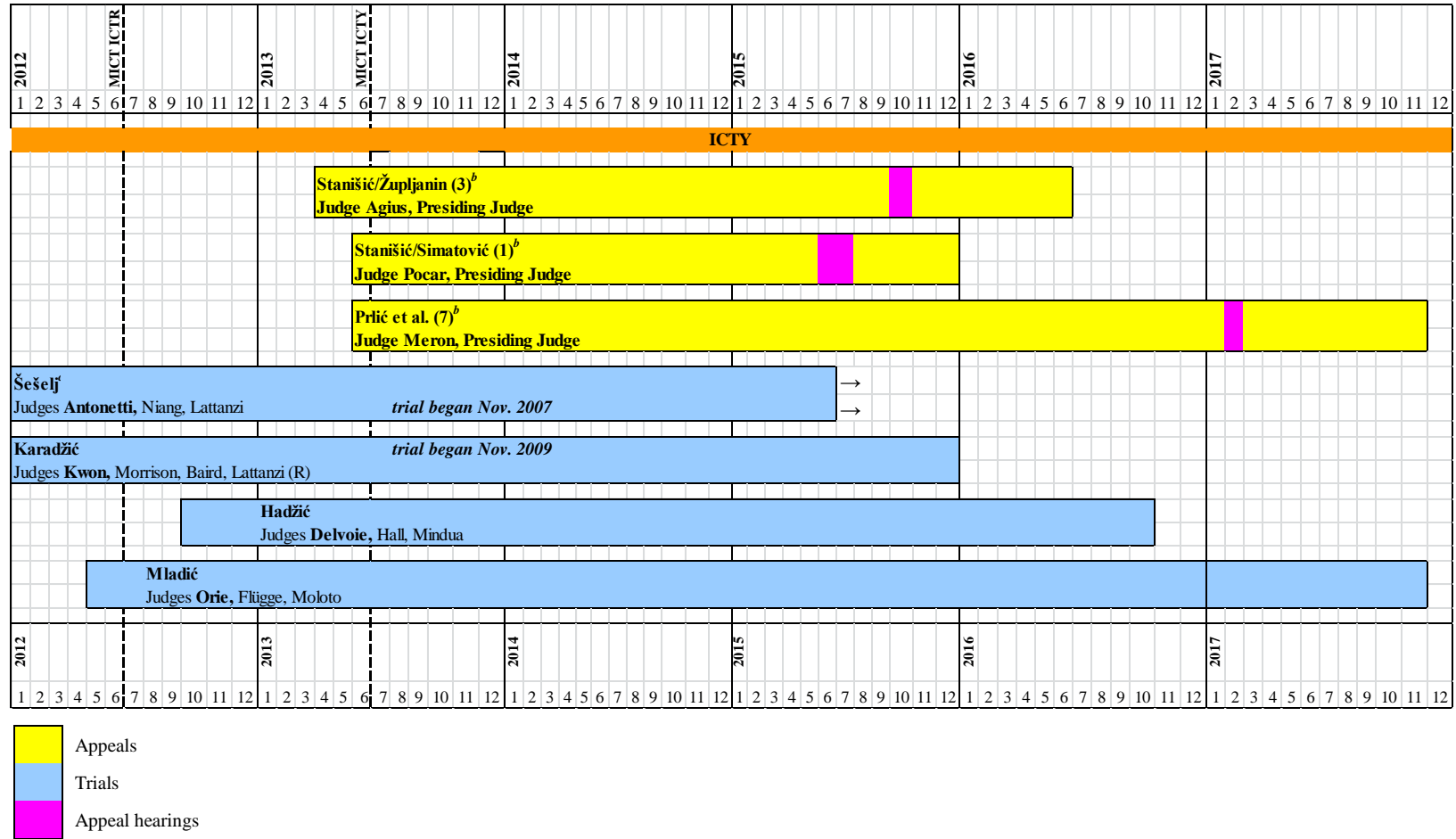
Enclosure V

**Decisions and orders rendered during the period 16 May 2015 to
16 November 2015**

1. Total number of decisions and orders rendered before the Trial Chambers: 413
 2. Total number of decisions and orders rendered before the Appeal Chambers: 29
 3. Total number of decisions and orders rendered by the President of the
Tribunal: 9
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Enclosure VI

Trial and appeals schedule of the International Tribunal for the Former Yugoslavia as at 15 November 2015^a



Abbreviations: MICT, International Residual Mechanism for Criminal Tribunals; ICTR, International Criminal Tribunal for Rwanda; ICTY, International Tribunal for the Former Yugoslavia.

^a Contempt matters are not included.

^b Number of accused/appellants, including the prosecution.