

## **Conclusions of the meeting of prosecutors on regional co-operation in war crimes proceedings, in Sarajevo 17-19 December 2019**

From 17 to 19 December, the Chief Prosecutor of Bosnia and Herzegovina, Gordana Tadić, hosted a high-level meeting of the prosecutors from the region on co-operation in war crimes proceedings. The participants included the State Attorney of Croatia, Dražen Jelenić, the Chief War Crimes Prosecutor of Serbia, Snežana Stanojković, Prosecutor Serge Brammertz of the United Nations International Residual Mechanism, representatives of the Supreme State Prosecutor's Office of Montenegro, and of the Brčko District, district and cantonal prosecution offices in Bosnia and Herzegovina. This high-level conference, which follows the May 2019 conference in Belgrade, was convened and organized by the United Nations Development Program (UNDP) with support of the governments of the United Kingdom and Italy.

The discussion focused on regional cooperation between prosecutors in war crimes cases. At the conclusion of the meeting, the prosecution offices represented made the following joint statement reflecting their main conclusions and commitments.

The participating offices agreed that there is still a backlog of pending war crimes cases and that more effective regional cooperation is vital to achieving more justice for the victims. The participating offices reconfirmed their strong commitment to bringing to justice all perpetrators of war crimes without regard to nationality.

Reflecting on progress since the previous conference held in May 2019 in Belgrade, the participating offices committed to ensure that technical meetings are held prior to initiating the transfer of cases to resolve possible challenges and ensure that transferred cases can be successfully prosecuted by the office receiving the case. It was agreed that following the transfer of cases, there must be constant communication and mutual assistance throughout all phases of the proceedings between the prosecutors from the office that transfers the case and those from the office that receives it. The participating offices were informed of the beginning of the process of transfer of some cases from Bosnia and Herzegovina to Serbia and Croatia respectively.

With the purpose of ensuring that war crimes cases are successfully prosecuted after transfer from one country to another, the participating offices are making a joint appeal to all victims and witnesses to support the transfer of cases and agree to testify in trial proceedings conducted in the neighboring countries where the cases are transferred. The participating offices further committed to encourage witnesses in the transferred cases and to provide them with all support within their competence. They also called upon relevant national authorities to ensure that witnesses are provided all necessary protective measures and support.

The participating offices also noted the challenges that have arisen in the transfer of cases to-date, and agreed to continue technical co-operation with the Mechanism Office of the Prosecutor as a means to analyze obstacles and problems and to resolve issues.

The participating offices also discussed other areas where improvements can be made in regional cooperation, particularly in coordinating investigations, or conducting joint investigations where

legally possible. It was agreed that better cooperation between prosecutors prior to the issuance of indictments would increase effectiveness and efficiency, and the likelihood of successful prosecutions in the country that conducted the investigation or in the state where the case was transferred to. It was also concluded that there are no barriers to the participating offices working together in a coordinated manner from earlier stages in proceedings, including through joint investigative teams where legally possible, and to jointly identifying concrete cases suitable for joint efforts and co-ordination.

As hosts of the conference, the Prosecutor's Office of Bosnia and Herzegovina noted that it has the largest number of pending war crimes cases in the region to process. It offered to exchange updated information on cases in which suspects or accused are not available with the other participating offices. In that regard, the Prosecutor's Office of Bosnia and Herzegovina invited all the prosecution office in the region to bilateral discussions to determine the most appropriate jurisdiction for prosecuting concrete cases.