

JOHAN DU TOIT: Good morning all, and thank you again for the opportunity to speak to you in my personal capacity as working within the ICTY.

Firstly, I want to comment on what Andras has said on the impunity gap, and I really support everything that is said. I think it's a crucial issue. And I think if we learn from what's happening in Sierra Leone at the moment, ich they have an international court, they've got local prosecutions, and they've got a truth commission all working together. And what I was thinking of with your good offices, if you meet with countries that are affected through violence, is it naive to think that you, as an international prosecutor, can assist in that in the sense that agreement can be reached with the affected countries that some cases you will do as the international prosecutor. Some cases will be done by the local courts and some cases will be referred to a type of truth commission. Because I agree that truth is a form of justice, and we should think why. It's not that a court is the only forum where people's needs can be addressed. And my experience in working with victims is they're not so much worried about which forum the case is going to be heard in, what they are worried about is there must be a forum. Whether it's the permanent court, whether it's the local court, whether it's a truth commission, whether it's some forum, they want to be heard, and I think your good offices can play a very key role in assisting affected countries in creating that, and we can all work together in achieving the end result.

The second point is just on the structure of your Office. I think your staff should be absolutely commended on the way that they've dealt with this very difficult issue, and I think that structures that they've recommended should be put in place. You can see a lot of work has been done, and they've thought about everything. I think every

possible thing they thought about, they've to put it either in the Prosecution Section, the Investigative Section, or the immediate Office of the Prosecutor.

Just one or two comments I want to make and questions I want to ask that maybe can assist. I don't know if it's been addressed, but it's the following: Reviews of the External Relations and Complementarity Units, the Services Section, and the Appeals Section. If you take the policy that you as the Prosecutor are responsible for, the policy of the Office, is it wise to have within your immediate Office, for example, the Appeals Section? Because your Policy Unit provides you with the policy that should be adopted outside of the Court or also inside the Court, and your Appeals Section gives you what's happening inside the Court, should that section not be within your immediate Office.

The second is your external relations. I agree it is essential, and I think my recommendation was said by previous speakers, by Professor Cassese and all the others, is that I think your first task should be to meet with NGOs, to meet with governments to get that information flow. You put structures in place so that information can flow into your Office. And I think that aspect can be done by your External Relations Office. But I think once that door has been opened on the policy level and you've basically, through your immediate Office, established that relationship, how it's working in practice, the operational side, should be left to your Deputy Prosecutor dealing with investigations. And that person, he or she, should be responsible for following it up through systems that he or she will put into place, that will follow up the good work that you've done in opening the doors.

When I look at the Services Section, you talk about your senior manager. Can one not consider that senior manager to move, him or her, to the Investigations Section? And the reason why I say so is I think

that your Deputy Prosecutor dealing with investigation needs a right-hand person, what I would prefer to view as his operational manager. And I know from our work at Yugoslavia, especially with Srebrenica, we need somebody that can quickly go, when you deal with big document collections that you need to get or you need to speak to witnesses, you need an operations person that can assist you in doing that, and I think that person can play a very key role. So consider using your senior manager as the operations manager, not only responsible for retention of the material but also for the collection of the material, because I think you need somebody or a unit that can advise you as to what is in-house. So if you meet with governments and they tell you, "I want to give you this or that or that," you know you've got a person back home that can tell you, "We've already received that, we've already received that," and we don't need to duplicate things. And I think that unit can play a very big role within the Investigations Section to assist in that regard, especially if your Deputy Prosecutor is responsible for advising you on when to start an investigation and if it's later approved by the Pre-Trial Chamber to proceed, I think you need a group of people that can strengthen that person in working on the operational level after you have basically opened the doors.

Thank you very much again and good luck.