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Arresting Fugitives from International Justice and Other Aspects of State Cooperation: Insights from ICTY Experience

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I. INTRODUCTION

Good morning ladies and gentlemen. Thank you for inviting me to be part of this session on cooperation and for the opportunity to share some of our insights from the ICTY. It is an important topic: as we all know, state cooperation is the lifeline of all international prosecution offices and the success or failure of our work depends on the willingness of governments to cooperate.

I have been asked to speak about ICTY challenges and lessons learned in relation to cooperation with an emphasis on arresting fugitives from international justice. I could imagine that I have been invited to do this because, today, the ICTY's record looks very solid. We have no fugitives at large and we have established good cooperative relationships with our partners in all countries of the former Yugoslavia.

But to reach today's positive position; we traveled a long and often difficult road. We had to overcome obstacles and find creative ways quite unique to the Balkan context and the time period in which we have been operating. I would not want to give the impression that we have a magic formula for co-operation.

But even though much of our experience is quite specific to the Balkan context, it is useful to see what worked and what did not work and to think about how these ideas might be adapted for other contexts.

I'm going to begin with some brief remarks about our general framework of cooperation. I'll then move on to talk about fugitive arrests and explore in some detail the biggest factors which have contributed to our success. I will say a few words on some other aspects of cooperation and finish a few some comments about the changing nature of cooperation issues at the ICTY. We moved indeed over time from a vertical mode of cooperation towards a more horizontal cooperation relationship with regional authorities as we increasingly began to work on transferring our information and expertise to facilitate national war crimes prosecutions.

II. STATE COOPERATION WITH THE ICTY: THE FRAMEWORK

So, to start, a few words on the general framework of state cooperation in the ICTY context. With no police force or army of its own, the ICTY's only formal weapon for arresting fugitives, seizing documents and generally getting what it needs to fulfill its mandate, has been the obligation of states to cooperate.

One of the ICTY's distinctive features was that we were a court set up by the Security Council under Chapter VII of the United Nations Charter. Under this framework, UN member states have a duty to cooperate with the ICTY and this is reflected in Article 29 of the ICTY Statute (and Rule 39 of the ICTY Rules of Procedure and Evidence).

There is a procedure for reporting non-compliant states to the Security Council, which can chose to take follow-up action (Rule *7bis*).

While public censure before the Security Council is a potentially useful tool, in practice, it has not been a fast or reliable way for us to get what we needed to advance our work at ICTY.

The last time this procedure was initiated by the OTP was in May 2004, when the ICTY President reported Serbia and Montenegro's consistent failure to comply with its obligations – but it prompted no reaction by the Security Council.

At ICTY, we have had to persist in finding practical ways to improve cooperation with the Tribunal, particularly when it comes to states from the former Yugoslavia. And we have seen a significant evolution in our cooperative relationships with Serbia, Croatia and Bosnia and Herzegovina over the past two decades. Today, we routinely get responses to our requests for assistance within a few weeks, we have been given access to almost all war-related archives and we have excellent working relationships with national authorities across the region.

Contrast this with the situation when we started out: our jurisdiction not accepted; access to archives and other documents was refused; and our investigators had difficulties getting to crime scenes. After the Srebrenica genocide in July 1995 it took a whole year for us to get on the ground to investigate.

When it comes to international criminal justice, we may have to view the old saying that "justice delayed is justice denied" in a different light. With the passage of time, the landscape of cooperation may be completely redesigned, as wartime authorities are replaced and post-conflict reconstruction and the rebuilding of national institutions progresses. We should remember that, when it comes to accountability for atrocities, patience is often a necessary virtue.

But at the same time, we are becoming better at understanding how to maximize our prospects of good cooperation, including from the states most directly associated with the atrocities we are prosecuting.

III. FUGITIVE ARRESTS

Nowhere are these lessons more obvious than in the context of the ICTY fugitives. The arrest of fugitives was an almost impossible issue in the ICTY's early years. It took two years to secure the arrest of our first fugitive and, in 1996, three years after the ICTY's creation, we had only four people in custody. With the indictment of the Bosnian Serb military and political leaders Ratko Mladić and Radovan Karadžić in 1995, the Bosnian Serbs heavily obstructed the ICTY. They were not alone in their efforts to undermine our work -- both Croatia and Serbia adopted a similar approach. In the end, it took us 18 years to arrest all of our indictees. A long time, a too long time.....

All international prosecutors face the same problem: we have no special forces or intervention teams to help to arrest suspects or carry out sensitive operations to seize the evidence we need. As I have mentioned, at ICTY we are armed primarily with a legal obligation for states to cooperate with the ICTY, the capacity to report a recalcitrant state to the Security Council and persistence.

Looking back we see three main factors that put us on the road to our clean record on fugitive arrests: first, the creation of a fugitive tracking unit within our Office; second, the presence of international forces on the territory where fugitives were sheltering who were willing -- in the end -- to carry out arrests; and, third, policies giving positive incentives for states in the former Yugoslavia to cooperate with the ICTY. There were

some other factors that also played a role: the use of rewards for information from individuals that facilitated fugitive arrests;

incentives to fugitives to voluntarily surrender (such as the promise of financial aid for families to visit them while in detention in The Hague); and the use of sealed indictments. But today I will focus on the three that I have mentioned played the biggest role.

The overarching lesson is that, when it comes to fugitive arrests, we needed a pro-active approach from within our Office and creative strategies for using *real politik* in our favour. Had we relied on technical legal measures alone we would never have succeeded and fugitives like Karadzic and Mladic would still be at large today.

A. Setting up a Tracking Unit within the ICTY Office of the Prosecutor

The first lesson learned is the importance of having a specialised fugitive tracking unit with the Office of the Prosecutor.

1. Creation and characteristics of the Tracking Unit

There is no reference to the Tracking Unit in the ICTY Statute. It was set up in January 1999 – more than five years into the ICTY’s existence – by then-Prosecutor Louise Arbour to meet two concrete operational needs. At that time, the most significant of these was to handle sensitive investigation operations. The 1999 Kosovo conflict was getting worse and we were heavily involved with investigating crimes that were still unfolding or had been committed very recently.

Securing intelligence from states was difficult and it soon became obvious that we needed a small, specialised arm of the OTP with

independent intelligence gathering capabilities and the capacity for covert operations in the field.

The second reason for setting up the Unit was to look for ICTY fugitives. By January 1999, Indictments had been issued against 92 people, but cases were proceeding against only 24, with the majority of the remaining indictees at large. Some of them were walking around freely. General Ratko MLADI] is a case in point. Until 2001 he was moving freely in Belgrade, fully aware that the government would not transfer him to The Hague. He was seen in restaurants and at football matches on a regular basis. It was frustrating to see the ICTY's processes so openly undermined and it became clear that we needed our own intelligence gathering capability concerning the fugitives.

The Tracking Unit began with a very small staff of three experienced intelligence officers. Over time, it became more involved in tracking fugitives and, from 2003, this became its primary focus. It grew in size over the next two years and then began to contract again from 2005 as the number of fugitives reduced and cooperation levels with regional authorities improved. At its peak, in late 2003, the Tracking Unit had four investigators, an analyst and two interpreters/translators. In addition, a head of Unit was appointed who was directly responsible to the Prosecutor and the Chief of Investigations/Chief of Operations.

It was also important for the Tracking Unit to have access to legal advice. All sorts of legal questions arise out of tracking activities, from document disclosure obligations to handling payment to informants for information provided.

2. Functions

Over its 12-year history, the ICTY Tracking Unit had four main functions, although the emphasis shifted over time in light of changing circumstances on the ground.

(a) Focal point for receiving and analyzing intelligence

The first function was to operate as a focal point for receiving and analyzing intelligence from others about the fugitives. It was not realistic to think that the Tracking Unit could ever match the level of operational capabilities of a major State. Nor was there any reason for the Unit to duplicate the successful intelligence gathering that “friendly” governments were already doing in the former Yugoslavia, including gathering electronic and human intelligence. So the Tracking Unit focused on being a melting pot for existing intelligence as much as possible and identifying and filling the gaps.

Over time, the Tracking Unit developed a large database of information from many different sources, including local and international agencies in the former Yugoslavia and evidence collected during the ICTY’s own investigations. The information was expertly analysed within the Tracking Unit, before being passed on to the agencies on the ground who were responsible for carrying out arrests. The Tracking Unit was uniquely placed to help these authorities because it was the only body receiving information from all sources.

The Tracking Unit had significant hurdles to overcome in convincing governments to share intelligence. Governments are generally very cautious about sharing sensitive information and they are also unwilling

to share anything that may hint at their intelligence gathering capabilities and limitations.

The fact that the Tracking Unit was designed as a small, specialised and highly controlled unit directly under the Prosecutor's authority helped a lot in giving states the assurances they needed. The staff of the Tracking Unit developed direct relationships of trust with key government counterparts, which opened up avenues of information. Guarantees of confidentiality were essential given the highly sensitive nature of the information being transferred.

The Tracking Unit also built close cooperation with the Office of the High Representative in Bosnia and Herzegovina, NATO and EUFOR, which was critical to its success in Bosnia and Herzegovina.

After 9/11, the situation in the intelligence community in the region – and particularly in Bosnia-Herzegovina – changed dramatically. A large portion of the military resources departed from Bosnia-Herzegovina to other theatres, taking with them a lot of the surveillance capability. Political support for the ICTY was also waning. The OTP Tracking Unit had to work even more closely with the dwindling intelligence gathering assets that remained in the former Yugoslavia and attempt to fill the growing intelligence information vacuum.

(b) Cultivating sensitive sources

This leads me to the second function played by the Tracking Unit, which was to directly cultivate its own sensitive sources to gather intelligence on the location of fugitives to pass on to the responsible authorities.

The Tracking Unit did not have the technical capabilities to conduct the kind of surveillance operations that a national agency with a similar mandate would have.

Unarmed and equipped with little more than mobile phones and lap tops, the Tracking Unit staff had to skilfully develop and handle covert and sensitive sources, which they did successfully in reasonable numbers.

About 90% of the Tracking Unit's sensitive sources were recruited between 2000 and 2005. To do this, we needed investigators with a proven track record in conducting sensitive source operations and the ability to carry out this dangerous and highly sensitive work outside of their own country.

(c) Monitoring the activities of local agencies and authorities

The Tracking Unit's third function was to monitor the efforts of agencies and authorities in the former Yugoslavia who had an obligation to arrest fugitives. Over time, as cooperation improved, this function changed from exposing the deliberate failure of regional states to arrest fugitives to working with them as true partners.

The Tracking Unit also monitored the whereabouts of fugitives in the region so that the credibility of arrest attempts by national authorities could be accurately assessed. Many fugitives were living quite openly even after their indictments had been made public. The fact that the Tracking Unit was monitoring them, and made it known that the OTP knew their location, made it difficult for the government to claim they could not be found. This often forced the government to arrange a so-called "voluntary surrender" of the fugitive.

Later, as co-operation improved, the Tracking Team's main reason to monitor was to make sure no investigative avenues had been missed by its regional counterparts.

(d) Coordinating the work of agencies in the territories where the fugitives were suspected of hiding

Related to this is the fourth function the Tracking Unit played over the years, namely, co-ordinating the work of the different agencies throughout the former Yugoslavia responsible for arresting the fugitives.

This co-ordinating role was important for two reasons. First, in many cases, it was not known in which part of the territory the fugitives were hiding at any given point of time and it was possible that fugitives were moving across borders within the region. Consequently, there were many different agencies that potentially had a role to play.

Second, initially, the co-operation between agencies in different territories was poor. They often did not trust each other and were reluctant to share information with other agencies they saw as the enemy.

The Tracking Unit functioned as a neutral facilitator and set up joint meetings with all the local services. This helped to develop a relationship of trust between them. This in turn led to information eventually being passed on more quickly and in more complete form – both to the Tracking Unit and between the respective agencies.

Co-operation between enforcement agencies in Croatia and Serbia, Serbia and Bosnia-Herzegovina and Serbia and Montenegro improved beyond recognition during the lifetime of the Tracking Unit.

The presence of Tracking Unit members at regular meetings with government representatives to discuss concrete and detailed aspects of the fugitive hunting operations sent an unmistakable message back to their respective capitals in the former Yugoslavia.

3. Tracking Unit Successes

Did the Tracking Unit concept work? Overall, we think it is fair to say that it was very successful. There were probably around six or so cases where Tracking Unit intelligence – a key telephone number forwarded to the local authorities or direct tracking in the field through the use of sensitive sources – led to fugitive arrests. There were many other cases where the Tracking Unit played a more general role by insisting that local agencies follow a particular lead – search a particular building or put a target under surveillance – and report back. This way new leads were generated, eventually culminating in arrests.

Without going into detail, the Tracking Unit played a significant role in many arrests including the one of Radovan KARAD@I]. It also played a major co-ordinating role in the arrest and transfer to The Hague of General Ratko MLADI] and Goran HAD@I].

B. Arrests by international forces on the territory of the former Yugoslavia

Moving on from the Tracking Unit, the second key factor in the ICTY's clean record on fugitive arrests I want to mention are the arrests carried out by international military forces on the territory of the former Yugoslavia. The presence of these forces was an important feature of the Balkan context to keep in mind.

The mere existence of international forces did not automatically guarantee arrests. Stories began to appear in newspapers suggesting that fugitives were sitting openly in cafes under the noses of the troops who were turning a blind eye. Then, on 16 December 1995, the North Atlantic Council of NATO decided that its personnel in Bosnia and Herzegovina should detain ICTY indictees they encountered in the execution of their assigned tasks, based on warrants issued by the ICTY. But, this mandate was interpreted restrictively by most commanders in the field, especially when it came to senior accused, such as Radovan Karadzic and Ratko Mladic. There are several documented instances where, in 1995 and 1996, both men could have been arrested by NATO forces, but the local commanders apparently refused to give the appropriate orders.

The first such arrest was carried out in July 1997 in Eastern Slavonia, based on a warrant the Prosecutor's had forwarded to UNTAES.

Gradually the arrests gathered pace and this also prompted some fugitives to surrender voluntarily. At one time, ICTY indictees were being taken into custody by SFOR at the rate of one per month. But it did not lead to the arrest of Karadzic and the other fugitives who crossed the border into Serbia – secure in the knowledge that local authorities would not give them up.

C. Financial and political incentives for states to cooperate with the ICTY

The third key factor in the ICTY's clean record on fugitive arrests is the use of financial and political incentives for states to cooperate with the ICTY. Notwithstanding the excellent work of the Tracking Unit, the ICTY Prosecutors had to leverage *real politik* to get what they needed. And again, over time, conditions became more conducive to this. In the

early years, ending the conflict and keeping the peace in the Balkans was a priority for the international community and objectives such as accountability and arrests were often sacrificed.

Later, priorities changed. The international community also came to realize that many of the people indicted were the problem and not the solution when it came to the peace process.

Gradually, an increased willingness developed to link economic aid and membership of key institutions with full cooperation for the ICTY. These conditionality policies have played a pivotal role in the ICTY's success.

1. The example of US aid to Serbia and the transfer of Milosevic from Serbia to the ICTY

One of the most compelling examples of how effective financial incentives can be is the arrest and transfer of Slobodan Milosevic to the ICTY. The US adopted a policy of linking Serbian aid money with ICTY cooperation. Based on this policy, the US threatened to boycott a key Serbian donors conference on 29 June 2001. To avert this potential financial disaster, Serbia surrendered Milosevic to the ICTY one day before the conference was due to begin.

2. The example of European Union membership and the transfer of fugitives from Croatia and Serbia to the ICTY

The Milosevic example aside, financial stimulation proved to be less effective as an incentive for countries of the former Yugoslavia than the prospect of membership in the European Union. Following the Dayton Peace Accords, the European Union was put in charge of reconstruction in the Balkans. And from as early as 1995, the European Union began to link benefits for the Balkan region to cooperation with the ICTY.

As the post-conflict period unfolded and states of the former Yugoslavia increasingly turned their attention to EU membership, the scope for strengthening conditionality policies increased. In particular, cooperation with the ICTY was specifically included as part of the stabilization and association process for countries of the former Yugoslavia seeking EU membership. And, in 2002, the European Union agreed that *full* cooperation with the ICTY would be a condition for the States of the former Yugoslavia to join the EU.

At each and every step of the accession process, the EU has evaluated the level of co-operation of the concerned State with the ICTY, mostly on the basis of assessments provided by the ICTY Prosecutor. These assessments are given either to the Security Council or directly to the EU. If the level of cooperation was considered inadequate, the EU has, at least sometimes, been prepared to take tough decisions. For example, accession talks with Croatia were postponed in March 2005 and the Stabilisation and Association Agreement with Serbia was not signed in May 2006 over ICTY-related issues.

The most recent example of how EU conditionality policies have promoted arrests is Serbia's transfer of Ratko Mladic to the ICTY.

In October 2010, the EU expressly stated that the best proof of Serbia's cooperation with the ICTY would be the arrest of its two remaining fugitives, Ratko Mladic and Goran Hadzic. For the first time, full cooperation was specifically tied to the arrest of fugitives, sending a clear message.

In May 2011 we submitted our most critical report to the Security Council, noting that the Serbian strategy for apprehending the fugitives was "comprehensively failing". We called for a "new, significantly more

rigorous approach” as a matter of urgency. On 26 May 2011, shortly after parts of the report became public, Belgrade announced Mladic’s arrest in Serbia. The arrest of the final fugitive Goran Hadzic followed shortly after. In February 2012, the EU granted candidate status to Serbia.

3. The ICTY Prosecutor’s role in assessing cooperation and monitoring conditionality

I have often been asked whether our role in the EU membership process was an improper politicization of the Prosecutor’s function. I point out that at no point did I ever try to tell the EU what to do in the negotiation process. My role was to report every six months to the Security Council on the state of cooperation and provide information to the EU when requested. We were often critical in relation to the fugitives, but it was always up to the EU to decide on the progress of negotiations.

At times, it was difficult to strike a balance between criticizing the efforts of regional authorities regarding arrests and at the same time maintain the good relationships we needed with the operational services we were working with on the ground. But the fact that we were heavily involved in coordinating the work on the ground also made our criticisms more credible and concrete.

I should also mention the considerable support we received from NGOs for our advocacy efforts in support of conditionality. NGOs such as Human Rights Watch – particularly through its Brussels Office – played an important role in underlining the importance of the conditionality policy and frequently addressing this matter with European officials.

D. Distilling lessons on fugitive arrests

To conclude on the issue of fugitive arrests, there are three key insights from our experience at ICTY.

First, establishing a Tracking Unit is necessary tool. The best investigation and the best indictment in the world amount to nothing if we cannot get the indictee before the court to face justice.

A tracking unit should be set up from an early stage, the team should be small, with high security awareness, flexible in its functioning and a direct reporting line to the Prosecutor – ideally the OTP would have set up a Tracking Unit in 1995, before indictments were made public. It is much easier to find people before they go into hiding.

If today we have accused people like Karadzic and Mladic in custody, it is because we had our own people on the ground, monitoring information in real time and working closely with the regional authorities.

Second, it was important to have staff in the Office with political and diplomatic expertise. We had to monitor and stay on top of important political developments that had an impact on our work. This expertise also facilitated our interaction with relevant actors in the international community. At one point, the Office had two diplomats advising on international cooperation matters.

Third, our experience shows that, if the international community has a clear and consistent policy agenda concerning countries suspected of harboring international fugitives, which links incentives with cooperation, our chances of success are much higher. I have been the Prosecutor of the ICTY for almost five years and one of the lessons learned is clearly that

conditionality policies have been crucial in securing the arrest of ICTY fugitives

IV. Other aspects of cooperation

Moving on now from fugitives to some other aspects of state cooperation. As I mentioned in my introduction, the quality and level of cooperation from states in the former Yugoslavia changed dramatically over time – a direct reflection of political changes in the region. Today, when it comes to support for our ongoing trials, such as providing documents and assisting with access to witnesses, we have a well functioning and business-like relationship with Croatia, Serbia and Bosnia and Herzegovina.

Structures have been developed in states of the former Yugoslavia and within my Office to promote this smooth cooperation.

In April 2002, the Government of the Federal Republic of Yugoslavia established the National Council for Cooperation with the ICTY as a mechanism for coordinate responses to our numerous requests for assistance, particularly requests for documents. The Ministers of Justice, Defence and the Interior are all members of the Council. The Council is assisted by a Secretariat, which frequently interacts with our Office.

In addition, in July 2006, Serbia established an Action Team in charge of tracking fugitives. Its membership included all essential interlocutors, such as: the Minister for Cooperation with the ICTY; the War Crimes Prosecutor; the chief of the intelligence services; the chief of police; and the National Security Advisor.

This body facilitated internal coordination between different services as well as relations with our Office. The Action Team played a key role in coordinating tracking efforts and securing the arrests.

In Croatia, the Council for Cooperation with the ICTY – chaired by the Prime Minister – is the highest political body coordinating cooperation. Its members include the ministers of foreign affairs, defence, the interior and justice, as well as the heads of intelligence agencies.

We also work extensively with the Croatian Office for Cooperation within the Ministry of Justice, regarding responses to our requests for assistance.

In Bosnia, cooperation has been facilitated by the presence of three “Liaison Officers” in the Hague appointed by the Bosnian tripartite Presidency. They facilitate responses to our requests for assistance. The OTP also works directly with relevant ministries, police and security agencies in the Federation and the Republika Srpska.

V. CHANGING DIRECTIONS IN COOPERATION: FROM VERTICAL TO HORIZONTAL COOPERATION

Over recent years, we have also seen the nature of cooperation change from a vertical model where the ICTY demanded cooperation from countries in the former Yugoslavia to a horizontal model based on mutual

exchanges of information. Although it is not the focus of this panel, this model of complementarity has been very positive and is worthy of a brief mention before I conclude.

We know that the ICTY will only prosecute a fraction of the serious crimes committed during the conflicts in the former Yugoslavia – albeit many of them committed by the most senior military and political leaders. In Bosnia alone, thousands of individuals remain to be prosecuted.

With the start of the ICTY's completion strategy in 2004, our attention and the international community's attention turned more and more to building the capacity of national systems to prosecute the remaining crimes. We have put in place a package of measures to facilitate this.

We set up a "Transition Team" within our Office to coordinate transfers of information and expertise transfers back to the Region. The Team worked on preparing some of our lower level indictments and investigation files for transfer back to national authorities to continue: we transferred 10 completed cases and investigation materials in relation to dozens of suspects. As a result, legal concepts from the ICTY have been used and accepted in national prosecutions.

The Transition Team also facilitates access by national authorities to evidence and information within our Office. We receive about 200 requests a year from regional authorities, equating to about 250,000 pages of documents that can then be used in national prosecutions. We have now reached a point where countries in the region send us more requests for information than we send to them.

Interestingly, the Transition Team also deals with requests for information from other countries that are investigating criminal cases arising out of the conflicts in the former Yugoslavia. We receive almost one hundred a year from 14 other countries.

Another challenge we confronted in building national capacity was how to help regional prosecutors have easier access to our evidence collection. The solution? First we found ways to take our evidence collection to them.

We put in place technology to allow them remote access to authorised parts of our evidence collection. Second, we came up with a strategy for bringing them to our evidence collection.

Since 2009, with EU financial assistance, we have integrated three liaison prosecutors, one from Bosnia and Herzegovina, one from Serbia and one from Croatia, into our office. Not only do they have access to authorised part of our evidence collection, but they also consult with in-house experts on related cases and general issues. Today the liaison prosecutors play a key role in helping national prosecutors access our database of some nine million documents. Nearly 80% of all requests for assistance coming from the region have been generated by the liaison prosecutors.

Another important part of the transition to national accountability is structural reform in the judicial systems of the former Yugoslavia to promote better approaches to war crimes prosecutions.

In Serbia, between 1996 and 2003, district courts had the competence to try war crimes as part of their ordinary criminal law jurisdictions. Only seven war crimes trials took place during that period. However, in July

2003, Serbia established the specialized War Crimes Chamber of the District Court in Belgrade and the Office of the War Crimes Prosecutor of the Republic of Serbia. These two agencies were given exclusive responsibility for dealing with war crimes cases, triggering substantial progress. The fact that most of the cases before the Chamber involve the prosecution of Serbs for crimes against non-Serbs reflects how effective this reform has been.

In Bosnia, the ICTY and the international community supported the May 2002 establishment of the State Court of Bosnia and Herzegovina, the Office of the State Prosecutor and the Department for War Crimes. The Court was staffed with both national and international personnel. Since its creation, the Court has dealt with more than 200 war crimes cases and is now trying to address the extensive backlog of cases. Most international staff working on war crimes cases have finished and by the end of the year, all will be gone. While far from perfect, the model combining national and international personnel, has helped the Court to promote a fair model of justice in BiH.

In Croatia, there is no court or prosecution office specialised in war crimes cases. However, two years ago, four specific district courts and prosecution offices were given responsibility for all war crimes cases. Although still without a centralised war crimes prosecution office, the district court reform is an important step forward as it brings about more specialisation in war crimes, greater consistency and an overall improvement in the quality of the work in war crimes cases.

VI. CONCLUSION

In conclusion, when it comes to cooperation, there are no "quick fixes" or "one size fits all" solutions. Every "situation" is different and even within the same "situation" things will change over time. But we are developing more and more tools that a prosecution office can consider in trying to improve cooperation: such as establishing channels for cooperation; investing in good working relationships with national authorities; and collecting intelligence information.

As a contribution towards recording some of these lessons, we, the chief prosecutors of the *ad hoc* and special tribunals, recently launched a developed practices manual for prosecutions under international law.

We realized we had many joint challenges and that collaborating in recording some solutions for these problems would be a useful legacy product. We have launched it within the International Association of Prosecutors because it will also be useful for national prosecutors. With the *ad hoc* courts and tribunals closing soon and the limited capacity of the ICC, the future of international justice must in large part be national justice.

But at the end of the day cooperation and particularly the arrest of international fugitives will be the responsibility of states – it will be your responsibility. And it will be the main test of the international community's seriousness in ensuring the future success of international justice.