



SLOVENIA

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STATEMENT

BY

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Agenda items 75 and 129

**Report 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;
International Residual Mechanism for Criminal Tribunals**

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Mr President,

It is an honour for me to be representing the Republic of Slovenia in this important debate. Slovenia aligns itself with the statement delivered by the European Union. In addition, we wish to contribute to today's discussion from our national perspective.

Firstly, allow me to express Slovenia's appreciation to President of the ICTY, Judge Agius, and President of the Mechanism for International Criminal Tribunals (MICT), Judge Meron, for their informative reports on developments within the Court and the Mechanism.

After more than 24 years of hard work, historic achievements and many lessons learnt, the ICTY will be closing down by the end of this year. Today's occasion warrants a reflection on the Court's accomplishments and legacy. Slovenia wishes to take this opportunity to express its outmost appreciation to the tribunal for all its endeavours and to pay tribute to its far-reaching contribution.

Mr President,

The ICTY was created out of a dire need to respond to some of the most tragic events in recent times. It was created as a unique tool for combating impunity through the authority of the Security Council.

The establishment, functioning and jurisprudence of the ICTY have all contributed importantly to enhancing and consolidating international criminal law and international humanitarian law. The Court has been instrumental in bringing justice and giving a voice to thousands of victims of the most heinous crimes. It inspired the international concept of transitional justice and affirmed the critical importance of outreach activities. Moreover, the Court contributed to the establishment of facts, strengthening national capacities and, importantly, it affirmed that no one is above the law, not even leading politicians. It is thus not surprising that the ICTY inspired the creation of other international criminal courts, including the ICC, the first permanent international criminal court.

Despite numerous and historic accomplishments of the ICTY, however, the process has not been without challenges and criticism. A sense of incompleteness remains, not least due to the fact that not all those who were indicted saw a final verdict. The lessons that we learnt from the ICTY's experience are thus also relevant in terms of further improvements.

Given the proximity of the Western Balkan region to Slovenia, Slovenia has followed the work of the Court carefully, as well as developments in this context. We remain conscious of persisting challenges, including in the form of nationalism. Intolerance, outstanding bilateral issues and the pursuit of particular political interests across the region also stand in the way of the reforms that are needed. Sadly, the region is still burdened by memories and resentment. Continuing impunity for crimes committed on the territory of the former Yugoslavia only deepens this sentiment. Also worrying are the growing instances of the denial of crimes committed during the conflict in the former Yugoslavia. The revisionism and glorification of war crimes are undeniably counter-productive to the stability of the region.

As part of its foreign policy priorities, Slovenia is striving to contribute to reconciliation in the territory of the former Yugoslavia and stability in the Western Balkan region. This is why Slovenia has always resolutely supported the work of the ICTY.

It is our firm conviction that the conclusion of trials against individuals charged with atrocity crimes is essential for the past to be accepted and for responsibility to be assumed. This, in turn, is decisive for paving the way to long-term peace and reconciliation between the nations of the region. Providing objective education on the historical truth is also essential for the further development and stability of the region. It is essential in order to allow the younger generation a better future, one that is not burdened with the past.

Against this background, Slovenia wishes to commend the Court for its legacy strategy. In particular, we welcome the idea of establishing information centres in the countries concerned. This will ensure that information about the work of the ICTY remains accessible to the public.

Mr President,

Slovenia is pleased that all 161 individuals indicted for serious violations of international humanitarian law have been accounted for. This is an important aspect of the Court's success. In this respect, we wish to reiterate that full and prompt cooperation with the Court remains crucial and prescribed by international law. Respect for, and the fulfilment of, decisions by international tribunals cannot depend on political expediency; instead, it should reflect a commitment to respect for the rule of law. Any other approach will be perceived only as deliberate non-compliance with the obligations set forth by international law.

As the ICTY is slowly winding down its operations, it will be vital for countries to show a commitment to combating impunity at the national level in good faith and with due respect for the principles of *res judicata* and *ne bis in idem*. In these efforts, judicial cooperation will continue to play an important role.

Mr President,

Just as the Nuremberg and Tokyo trials form part of our collective memory, the ICTY will leave its permanent mark through its normative and non-judicial legacy. The latter will continue beyond its closure to inform the work of national, regional, and international jurisdictions. Furthermore, the ICTY's legacy will inform consideration of critical issues, such as the quality of judges, the importance of effective cooperation and financial stability. It will remind us to manage expectations to avoid raising unattainable hopes.

But mostly, the legacy of this tribunal should be a pledge by the international community that those responsible for atrocities will be brought to justice. It should be a reminder to future generations of the most tragic chapters in the recent history of Europe, which should never be repeated.

Slovenia looks forward to the completion of the ICTY mandate, its timely closure and an efficient transition process to the MICT. We remain committed to promoting the rule of law and accountability.