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JUSTICE FOR RWANDA AND FORMER YUGOSLAVIA UNDERMINED BY FAILURE TO PROVIDE ADEQUATE SUPPORT FOR THE *AD HOC* TRIBUNALS

On the eve of the first trial before an international criminal court in half a century for war crimes and crimes against humanity in the former Yugoslavia, Amnesty International strongly criticises United Nations (UN) member states for not providing adequate long-term support for the two *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda.

“We are seriously concerned that the international community’s failure to provide sufficient funding is undermining the Tribunals’ work in bringing perpetrators of gross human rights violations to justice,” Amnesty International said today.

“This clearly shows a lack of political will -- it is simply not enough for the UN and its member states to pay lip service to their human rights commitments.”

Commenting on a resolution approved by the UN General Assembly’s Fifth Committee which provides for a three-month interim solution for both Tribunals, Amnesty International expressed dismay about “yet another totally unrealistic and unsatisfactory stop-gap measure”.

Public outrage at atrocities committed in the former Yugoslavia and Rwanda led to the establishment by the UN of the two *ad hoc* Tribunals in 1993 and 1994 respectively. The work of both institutions in bringing perpetrators of gross human rights violations has, however, been hampered since their creation by a lack of adequate long-term funding and cooperation from states.

The amount approved not only represents an interim short-term solution of only three months (from 1 April to 30 June 1996) for both Tribunals, but also the UN Controller, Yukio Takasu, has said that “it was significantly short of what would be needed to maintain the two Tribunals”.

Amnesty International believes that this is a crucial time for both Tribunals. They are entering a critical phase of their existence -- with the current on-site investigations in the former Yugoslavia and the trial of Bosnian Serb concentration camp guard Dusan Tadic in the Hague due to start tomorrow. In July, more than a year and a half after the establishment of the Tribunal, the first trials for genocide and other crimes against humanity committed in Rwanda are expected to begin. Both institutions cannot be expected to function effectively in the climate of uncertainty created by short-term and inadequate funding. This situation is particularly disruptive with regard to hiring highly qualified personnel.

For instance, the *ad hoc* Tribunal for Rwanda has only been able to recruit half of the 50 urgently needed investigators. The shortsightedness and inadequacy in funding have led to delays in investigations, prosecutions, and the building of detention facilities and of a courtroom. Amnesty International finds the amount allocated to the Arusha-based Tribunal particularly discouraging -- especially in the light of the 29 January 1996 report of the UN Special Rapporteur on Rwanda which recommended that the UN should “[i]ncrease the budget of the International Tribunal in order to provide it with the necessary human and material means to fulfil its mission as effectively as possible”.

The UN Special Rapporteur on the former Yugoslavia in her report of 14 March 1996 recommends that “for final clarification of the events which occurred in the area of Srebrenica in July 1995 and other alleged serious violations of humanitarian law, it will be essential that the International Criminal Tribunal for the Former Yugoslavia continues to receive the financial and logistical support of the international community.” The UN Commission on Human Rights resolution on the former Yugoslavia also agreed on such support.

Amnesty International is calling upon all UN member states to ensure that when the General Assembly’s Fifth Committee resumes its session in May both Tribunals will be provided with adequate long-term funding to enable them to plan and carry out their activities effectively.

FURTHER INFORMATION ON FUNDING

The Fifth Committee approved a three-month interim funding of 8.6 million US dollars for the Yugoslav tribunal, slightly more than was requested, but only 7.6 million US dollars of the 12.3 million US dollars required for the Rwanda Tribunal for this period. The amount for the Rwanda Tribunal includes essential start-up costs such as the building of secure court rooms, pre-trial detention cells and office space.

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