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International Criminal Tribunal for the former Yugoslavia: Don't close the doors to justice

There cannot be reconciliation and sustainable peace in former Yugoslavia without justice for the victims of the wars in the 1990s, Amnesty International said today. The organization calls on the UN Security Council to extend the mandate of the International Criminal Tribunal for former Yugoslavia beyond the date of 2010 set under the Tribunal's "completion strategy" and provide sufficient funds for it to carry out its mandate effectively.

"Thousands of people are yet to be tried for the war crimes, crimes against humanity and genocide committed during the violent break-up of Yugoslavia. Hundreds of thousands of refugees are still not able to return to their homes and to obtain full compensation for the damage," Nicola Duckworth, Director of Amnesty International's Europe and Central Asia Programme, said as the Security Council prepares to consider reports by the Tribunal President and Prosecutor on the implementation of the "completion strategy".

The Tribunal has played a major role in addressing impunity for such crimes and, through its judgments and decisions, has contributed significantly to the development of international, humanitarian and criminal law. Yet to date only 37 people have received a final sentence for their crimes in the Yugoslav wars.

Under the "completion strategy", laid down by the Security Council, the Tribunal has completed all investigations and indictments for war crimes, crimes against humanity and genocide at the end of 2004 and is expected to complete all cases, including appeals, by 2010. Prosecutors have recently asked for the transfer of 18 cases to local courts in the former Yugoslavia, a step that appears to be dictated by the tight deadline imposed by the "completion strategy".

"While Amnesty International welcomes the recent surrender of a number of prominent indictees to the Tribunal including for the first time from the Republika Srpska, ten people publicly indicted by the Tribunal are still at large. Three of them, Radovan Karadzic, Ratko Mladic and Ante Gotovina, are key indictees mentioned repeatedly in Security Council resolutions. The Tribunal's Prosecutor has clearly stated that if they are not arrested and transferred in the months to come, it may be necessary to revise the target dates of the 'completion strategy'," Nicola Duckworth said.

Amnesty International believes that the Tribunal's "completion strategy" appears to be mostly

dictated by financial constraints influenced by a changing geopolitical setting, and based on the assumption that local courts in former Yugoslav countries have the capacity to continue the Tribunal's tasks.

Amnesty International believes that the target date of 2010, when the Tribunal is expected to complete its work, may seriously compromise the delivery of justice, and urges that the "completion strategy" should be reviewed as it ignores crucial facts:

Countries in the former Yugoslavia have failed to abide by their obligation to arrest and surrender indicted suspects or to provide other assistance to the Tribunal.

There continues to be a lack of political will to investigate all crimes committed during the violent break-up of Yugoslavia and to prosecute all suspects.

Domestic legal frameworks define crimes and principles of criminal responsibility in a manner that is inconsistent with international law and with the Statute of the Tribunal.

Victim and witness protection is generally non-existent or insufficient to permit effective investigations or successful prosecutions.

Provisions on reparations, including compensation to victims and families of the victims, are inadequate.

"As long as the authorities of countries in the territory of the former Yugoslavia are unwilling or unable to tackle impunity for war crimes, crimes against humanity and genocide, it is the task of the international community to ensure that justice is done, both at the international level and at the national level, both within the countries of the former Yugoslavia and in other countries," said Nicola Duckworth.

Amnesty International urges the Security Council and UN member states to extend the Tribunal activities beyond the originally set deadline of 2010; to ensure that the Tribunal's budget is adequate to its task; and to develop a long-term, comprehensive action plan to end impunity in the countries of the former Yugoslavia.

See also: *Amnesty International's concerns on the implementation of the "completion strategy" of the International Criminal Tribunal for the former Yugoslavia*
<http://web.amnesty.org/library/index/engneur050012005>

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