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Amnesty International
International Secretariat
1 Easton Street
United Kingdom

London WC1X 8DJ

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WEEKLY UPDATE SERVICE 15/93

Contained in this weekly update is an external item on War Crimes tribunals - former-Yugoslavia.

NEWS INITIATIVES

INTERNATIONAL NEWS RELEASES

Japan - 0500 hrs gmt, 17 March

(New Information)

Please note the embargo is confirmed for 0500 hrs gmt, 17 March for this document on refugee issues and we anticipate a high level of media interest in this news release.

The Japanese Section is holding a press conference in Tokyo to launch the report on 17 March. IS staff member, David Petrsek, who wrote the report, is going to Tokyo to help with media there. The Japanese Section will be inviting international media to attend the press conference and the IS will also inform international media of the launch. Details of the conference will shortly be available from the IS press office if you need them.

An Electronic News Release (ENR) is being prepared at the last minute to go with the report. Unfortunately, resources and time will not allow the IS to distribute it to sections. However, it will be given to Japanese TV at the press launch and the IS is giving it to WTN, VISNEWS, BBC World Service TV and CNN - so please refer your media to these. The master copy is held at Dubbs, 25-26 Poland Street, London W1V 3DB - Tel: +44 71 629 0055. Media who urgently require the full ENR may order copies direct from Dubbs, paying the copying costs only.

Chad - 21 April

(New Information)

Please Note

The document to go with this campaign has been sent out to sections dated February. Please inform your section campaign coordinators and anyone else who may receive it that it is EMBARGOED FOR 21 APRIL.

Campaign, document, news release, Q&A and ENR. More details to follow shortly.

TARGETED AND LIMITED NEWS RELEASES

Algeria - 2 March

An embargoed document on human rights violations under the state of emergency has been sent to section press officers by the Research Department. To go with this is item: MDE 28/WU 01/93, in weekly update NWS 11/10/93.

Section Initiatives

French Section - European Press Officers' Meeting

The second European Press Officers' meeting will take place in Paris this year. The registration forms have not arrived yet, but when they do please send them to Luisa de Soriano or Josette Debord at the French Section Press Office before the end of February. The date of this meeting is now fixed for 15 and 16 May as the majority of you asked for. It will be focused on two themes: Audiovisual work (production and TV experiences) and how to improve it; and the UN World Conference on Human Rights in Vienna. The French Section Press Office will send the program to all participants during the last week of February. Many thanks.

2. EUR 48/WU 01/93 INTERNAL
 26 February 1993
 (EXTERNAL FOR RESPONSE ITEM ON PAGE 5)

INTERNAL

On 22 February the UN Security Council adopted Resolution 808 (1993) by which it decided to establish an international ad hoc tribunal to prosecute people responsible for serious violations of humanitarian law in former Yugoslavia since 1991. The tribunal has not yet been formally created. Instead, Resolution 808 (1993) asks the UN Secretary-General to report "at the earliest possible date" and if possible within 60 days, on how to set up the tribunal.

The Weekly Update issued last October (NWS 11/42/92 - EUR 63/WU 03/92) still accurately describes AI's position in respect of international tribunals, which derives from AI's policy on impunity and the need to bring perpetrators of violations of human rights and humanitarian law to justice. We recommend that sections read that statement once again. The external weekly update below largely restates the principles set out in the October update, but takes into account the latest developments and the fact that it now appears that an ad hoc tribunal will be set up in respect of the former Yugoslavia.

We have two basic messages. First, the UN should set up a permanent international criminal court which can try perpetrators of grave human rights violations wherever these may have occurred. This is because ad hoc tribunals are too often unfair and unjust and manipulated by short term political goals, and because human rights and humanitarian law principles are universal and should be applied equally to all situations in the world. Secondly, an ad hoc war crimes tribunal for former Yugoslavia must strictly conform to internationally accepted principles of justice and fairness and should be the first step in the creation of a permanent international court.

This position emphasizes the fundamental principles of universality, justice and fairness while seeking to respond to the immediate political and legal debate. While AI believes that a permanent international court should be established, since it appears that an ad hoc war crimes tribunal for ex-Yugoslavia will be set up, AI should urge that it conform to international standards and seek to influence its structure and operation so that it does in fact bring perpetrators from former Yugoslavia to account, justly and fairly.

AI will have to raise its concerns if the tribunal fails basic tests of justice and fairness - perhaps by trying only Serbs, or only symbolically prosecuting a few leaders (or subordinates), or by imposing the death penalty.

The purpose of the weekly update below is to give a first response to the very brief Security Council resolution. France, Italy and the Conference on Security and Co-operation in Europe (CSCE) have all given the Security Council detailed proposals about the possible jurisdiction, structure and procedures of the tribunal. AI is studying these proposals carefully with a view to developing a more detailed position and, as far as possible and appropriate, having input into how it is set up and how it will function.

In the midst of confusing legal arguments, it is important to keep two guiding principles in mind. AI's fundamental aims are to have the full truth made known about violations of human rights and humanitarian law, and to end impunity for the perpetrators. AI seeks to ensure that perpetrators of violations, wherever these have occurred, are brought to justice under a national or international process which is fair and conforms to international standards.

(see next page for external item)

2. EUR 48/WU 01/93 EXTERNAL FOR RESPONSE

26 February 1993

AMNESTY INTERNATIONAL CALLS FOR AD HOC WAR CRIMES TRIBUNAL FOR FORMER YUGOSLAVIA TO BE FAIR AND TO BE FIRST STEP IN ESTABLISHING PERMANENT INTERNATIONAL CRIMINAL COURT.

Amnesty International is calling on the UN to ensure that the ad hoc international tribunal being set up to deal with war crimes in former Yugoslavia strictly conforms to international standards of fairness and justice - and is not established merely to satisfy short-term political interests of states.

The United Nations (UN) Security Council decision, on 22 February, to set up such a tribunal should be a first step towards breaking the cycle of impunity and gross human rights violations in the former Yugoslavia. However, special attention is needed to ensure that such a tribunal functions effectively and fairly and that it can address the full scope of grave violations of human rights and humanitarian law in the former Yugoslavia.

"Unfortunately, experience has shown that ad hoc judicial tribunals are too often created and manipulated to serve political interests of particular states," warned Amnesty International. "Ad hoc tribunals tend to lack real independence and impartiality and there is a serious risk that they will fail the basic tests of justice and fairness which are well established in international law."

Said the organization; "Furthermore, if governments and the UN are not to be accused of double standards, universal human rights law and humanitarian law must be enforced in all countries throughout the world."

Amnesty International is calling on the UN expressly to recognise that any ad hoc tribunal set up for the former Yugoslavia is only the first step to establishing a permanent, international criminal court. This court should try those responsible for grave violations of both human rights and humanitarian law anywhere in the world.

It is not clear yet how the ad hoc tribunal will be set up or organized. The Security Council Resolution 808 requests Secretary-General Boutros Boutros-Ghali to advise within 60 days on how to set up a tribunal. Amnesty International will be studying carefully the detailed working proposals already submitted to the Security Council by France, Italy and Sweden on behalf of the Conference on Security and Co-operation in Europe (CSCE).

Amnesty International urges that, in preparing his report, the Secretary-General should engage in the widest possible consultations and actively solicit opinions from humanitarian and human rights organizations as well as governments and other inter-governmental organizations.

In the absence of any indication about how the tribunal will be set up, there are certain fundamental principles which Amnesty International considers should guide the process:

1. Amnesty International believes that anyone in the former Yugoslavia who is responsible for acts within its mandate such as deliberate and arbitrary killing, torture and other ill-treatment or "disappearances", should be brought to justice, regardless of whether the offence is characterized as a violation of human rights law or humanitarian law.
2. In the highly charged political atmosphere, it is imperative to ensure that the ad hoc international tribunal fully conforms in every respect to internationally recognized principles of justice and fairness.
3. Justice will not be done - nor seen to be done - unless both leaders and subordinates are prosecuted. Those who have committed or ordered or acquiesced in gross human rights abuses should be brought to justice.
4. The selection of judges, investigators and prosecutors must be impartial and manifestly independent of the control of individual states or groups of states. In particular the panel of judges should be representative of a wide selection of countries and legal systems.
5. Judges and officials must have proven competence, independence and impartiality and be free to carry out their duties without external interference, applying well established and fair procedures.
6. All accused must enjoy all internationally accepted guarantees for fair trial, including those set out in articles 9, 14 and 15 of the International Covenant on Civil and Political Rights.
7. Under no circumstances should the death penalty be imposed on those convicted.

8. The life of the tribunal should not be determined by political considerations, such as the conclusion of a settlement of the conflict, but by an objective, professional judgment that the work of the tribunal is completed.

9. The tribunal must be provided with the considerable resources and powers it will need to properly investigate all complaints and to ensure that those suspected of violations are brought before the court and prosecuted fairly and without delay.

10. The creation of a criminal tribunal should be accompanied by a mechanism for implementing the rights of victims or their families to seek compensation, restitution and rehabilitation for violations of humanitarian or human rights law.

11. Any ad hoc tribunal should be expressly recognized as the first step in the establishment of a permanent international judicial body competent to try cases involving grave violations of humanitarian and human rights law wherever these may occur.