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Bosnia-Herzegovina: Amnesty opposes closing of War Crimes Tribunal

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The current proposal for a War Crimes Chamber in Bosnia-Herzegovina appears to be based on short-term planning aiming to effect the quickest and cheapest possible withdrawal of the international community, a new report from Amnesty International said.

The report *Bosnia-Herzegovina: Shelving Justice* examines the need for a comprehensive, sustainable, truly independent and impartial domestic criminal justice system to start effectively addressing the vast legacy of war-time violations committed in the country.

Amnesty International is seriously concerned that the planned War Crimes Chamber at the newly established State Court will address only a handful of the thousands of crimes under international law committed in the past decade. The plans do not address the specific shortcomings of the criminal justice system in the country.

"The establishment and effective functioning of this War Crimes Chamber could be a first step in tackling the challenging task, but only if it is part of a wider strategy, which embraces the entire Bosnian criminal justice system dealing with cases of genocide, crimes against humanity and war crimes," Amnesty International said.

Essentially, the international War Crimes Tribunal is closing down as a result of pressure from the United States of America (USA) and other states who argue it is too costly and that national courts in states on the territory of the former Yugoslavia could perform the same tasks more cheaply. Amnesty International opposes the closing down of the Tribunal until effective alternatives are established by the international community to bring all those responsible for crimes under international law to justice in fair and effective proceedings.

"Justice can be cost-effective, but justice cannot be achieved on the cheap -- in this respect Amnesty International was concerned that a recent meeting of international donors only resulted in pledges rather than funds, and only resulted in about half the funding sought for the new Chamber. It also appears that none of the funds will go to ensure that other courts in the country will have the capacity

to investigate and prosecute the thousands of crimes that the War Crimes Chamber is unable to handle."

Thousands of perpetrators continue to enjoy impunity for war crimes, crimes against humanity and genocide committed during the war in Bosnia-Herzegovina. The official number of persons still unaccounted for is around 16,000 (including thousands of unresolved "disappearances"). Rape and sexual abuse of women and girls occurred on a massive scale. However, most of the vast number of case files, recorded and investigated by Bosnian police and prosecutors, are gathering dust in the criminal justice system's offices and archives, instead of generating active and effective prosecutions before the country's courts.

At the Tribunal, proceedings have been completed or are continuing for about 90 persons, most of whom were in leadership positions or responsible for large numbers of these crimes. Thus, many thousands of persons responsible for the worst possible crimes in Bosnia-Herzegovina still have got to be brought to justice in any court.

"The rushed timeline envisaged for the War Crimes Chamber to become fully and independently operational reveals a totally unrealistic and insufficiently detailed plan. This carries a substantial risk that the Chamber may only have the resources and time to prosecute a small number of the thousands of suspects, selected on the basis of vague and contradictory criteria. This would significantly undermine the battle against impunity -- including efforts by the Tribunal itself -- and have an adverse impact on the process of reconciliation and reintegration of society. It would neither serve the cause of justice, nor the discovery of the truth nor the right of the victims to full reparations."

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