

## **VIEW FROM THE HAGUE**

### **THE HAGUE WITNESSES NEED HELP AND SUPPORT**

Over the course of the last six months the Tribunal has hosted a series of groundbreaking conferences aimed at providing support to those who testified at the Tribunal upon returning to their homes. The ICTY has sought ways to reach out to health and welfare professionals in the former Yugoslavia, to learn about available resources and to assist in the building of a network of professionals who will be able to continue to support both defence and prosecution witnesses after they return home.

An earlier Outreach column in Balkan (18 February 2004) highlighted the immense importance the testimony of victims and witnesses plays in war crimes trials. Recognising that witnesses of war crimes can be traumatised by the reliving of events through testimony, the Tribunal has initiated the development of an enduring response to the on-going needs of the victims and witnesses that will be required to operate long past the closure of the ICTY.

There have been some concerns in the past over the level of support provided by the ICTY in follow-up services provided to witnesses. These concerns appear to stem from a misunderstanding of the role of the Tribunal's Victim and Witnesses Section. Some people wrongly believe that victims and witnesses should be entitled to substantial restitution or compensation from the ICTY or that every witness should be entitled to relocation in a second country as a protection measure. The Service, while providing significant help to witnesses testifying at the ICTY, does not have the capacity nor the powers to provide such entitlements. The ICTY Rules of Procedure Evidence specifically mandate the Service with the responsibility of dealing with witnesses whilst testifying in The Hague and not for services post-testimony.

Since its inception, the VWS services have made referrals to health and welfare organisations in the various countries of residence of the witnesses. As the number of victims and witnesses testifying before the ICTY has increased, local regional organisations have increasingly been requested to meet the support needs identified by those witnesses. This series of conferences has thus sought to ensure that the support needs of those who have testified before the ICTY are adequately responded to after their return to the states in the former Yugoslavia.

On 24 May 2004, professionals from Serbia and Montenegro gathered in The Hague for three-days of discussions with VWS officials. The Conference participants included psychiatrists, medical doctors, psychologists and social workers both from governmental and non-governmental sectors.

A similar Conference was held in December 2003 with experts from Bosnia and Herzegovina, and a further Conference has since been held on 7 June 2004 with professionals from Croatia.

At the conferences, participants were familiarised with the work of the Tribunal through meetings with representatives from the various organs comprising the ICTY and attendance at a one-day workshop style meeting. They were also invited to observe an on-going trial. This provided a unique opportunity for the health professionals from Serbia and Montenegro to become acquainted with the ICTY structure in detail in order to develop a better understanding of the court procedures to which witnesses are exposed. It also allowed them to learn about the support and protection measures witnesses are offered by VWS. It was hoped that by the conclusion of the conference this exposure enabled local health professionals to better assist witnesses in understanding their role before a Trial Chamber.

Another key issue addressed at the conference was conduct of war crimes cases in Serbia and Montenegro. Participants were required to assess the resources they require in order to meet the needs of the victims and witnesses who reside in their territory.

The conference demonstrated that there are many effective health professionals available in Serbia and Montenegro to help witnesses cope with traumatic symptoms. It also showed that there are critical areas that required more work, such as protection of the witnesses, lack of trust coming from the witnesses, and the fear from those witnesses who ask that their names not be disclosed that they are published in the media.

All of the conferences have resulted in a very productive exchange of expertise and experience. They have also provided a solid basis for health professionals in the former Yugoslavia to learn about the work of the

ICTY and in doing so become better equipped at providing local support for the needs of victims and witnesses.

**Outreach Programme**

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