



# UNITED NATIONS INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

## :: TRIBUNAL ACHIEVEMENTS

### *Bringing Justice to Victims*

The Tribunal has issued indictments against 161 accused for crimes committed against tens of thousands of victims in the former Yugoslavia.

.....

### *Holding Leaders Accountable*

The ICTY has indicted a head of state, army chiefs-of-staff and many other high and mid-level leaders. Thanks to the ICTY, the question is no longer whether leaders should be held accountable, but rather when they can be called to account.

.....

### *Individualising Guilt*

Convicted leaders and others can no longer hide behind a group. This shields ethnic communities from blame, and contributes to preventing hatred and promoting reconciliation in the former Yugoslavia.

.....

### *Giving Victims a Voice*

The Tribunal has provided thousands of victims with the opportunity to be heard. Many of them displayed exceptional courage in doing so and contributed to the process of establishing the truth.

.....

### *Establishing the Facts*

The ICTY has established beyond a reasonable doubt many facts related to the crimes committed in the former Yugoslavia. Through its proceedings, the Tribunal has contributed to the creation of an historical record, combating denial and preventing revisionism.

.....

### *Strengthening the Rule of Law*

The Tribunal has encouraged judiciaries in the former Yugoslavia to continue its work. The Tribunal works in partnership with domestic courts in the region as part of its continuing efforts to see that justice is done.

.....

### *Developing International Law*

The Tribunal has proved that efficient and transparent international justice is viable. The Tribunal's achievements have inspired the creation of other international courts, including the International Criminal Tribunal for Rwanda and the International Criminal Court.

*Bringing war criminals to justice and justice to victims*



United Nations  
Nations Unies



International Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yugoslavie

Justice is an indispensable ingredient of the process of national reconciliation. It is essential to the restoration of peaceful and normal relations between people who have had to live under a reign of terror. It breaks the cycle of violence, hatred and extra-judicial retribution. Thus peace and justice go hand in hand.

Antonio Cassese, former ICTY President

The International Criminal Tribunal for the former Yugoslavia (ICTY) has irreversibly changed the landscape of international law, making senior leaders accountable for the terrible crimes that took place in the former Yugoslavia during the 1990s. In its precedent-setting decisions on genocide, war crimes and crimes against humanity, the Tribunal has shown that an individual's position can no longer protect him from prosecution. By individualising guilt, prosecuting war criminals and giving victims a voice, the Tribunal affirms the belief that "peace and justice go hand in hand".

## :: ESTABLISHMENT

The conflicts which took place in the former Yugoslavia resulted in the most abominable crimes committed in Europe since the end of the Second World War. Reports of mass killings, murder, torture, rape and plunder taking place in the region compelled the international community to take decisive action.

### THE CONFLICTS

- Croatia (1991-1995)
- Bosnia and Herzegovina (1992-1995)
- Kosovo (1998-1999)
- The Former Yugoslav Republic of Macedonia (2001)



On 25 May 1993 the United Nations Security Council passed Resolution 827 under Chapter VII of the UN Charter, establishing the ICTY. This date marked the beginning of the end of impunity for war crimes in the former Yugoslavia.

The Tribunal's mandate is to prosecute and try those responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. In doing so, the Tribunal plays an important role in contributing to peace and reconciliation in the former Yugoslavia.

## :: ORGANISATION

The Tribunal has three independent divisions: the Chambers, the Office of the Prosecutor (OTP) and the Registry. Because of its integral role in proceedings before the Tribunal, the Defence can be considered a fourth division.

OTP, Chambers and Registry staff come from more than 80 different nations, making the ICTY a truly international tribunal.

### :: CHAMBERS

The Chambers hear the evidence presented by the Prosecution and Defence and issue judgements on the accused's criminal responsibility. The Chambers have 16 permanent judges, headed by the Tribunal's President, and a maximum of 12 judges who are appointed to hear a particular case, called *ad litem* judges. The judges are divided into three Trial Chambers and one Appeals Chamber. Three judges sit in each case, one of whom is the presiding judge and is responsible for overseeing the proceedings. Five judges sit for the appeals.

### :: OFFICE OF THE PROSECUTOR

The OTP is responsible for investigating and prosecuting cases. Led by the Prosecutor, the OTP counts among its staff trial attorneys, investigators, military analysts, experts in the law and politics of the former Yugoslavia and a host of support staff.

The Prosecutor is independent and does not seek or receive instructions from external agencies such as any government or international organisation, or from either of the Tribunal's other two organs. Pursuant to UN Security Council resolutions and the Tribunal's Statute, UN member-states are under an obligation to cooperate with the OTP's investigations and prosecutions.

I really wanted to go to The Hague. I wanted to see [the three defendants] and to ask them why they did it. Why did they kill all these people? Why did they destroy our village? I just wanted one of them... to tell me why they did that.

Statement by a Bosnian widow who testified at the trial of men she held responsible for her husband's death

### :: REGISTRY

The Registry is responsible for all aspects of the Tribunal's administra-

tion. These include, among other things, court management, legal aid and defence matters, translation and interpretation, witness and victim assistance, security and public information.

The Registry also administers the Tribunal's Detention Unit (DU), which houses accused persons after they have been transferred to The Hague to stand trial. Since, like in all legal systems, accused before the Tribunal enjoy the presumption of innocence unless they are proven guilty in a court of law, the Tribunal's DU is a remand centre for the indicted, and not a prison. Operating in line with the highest international human rights standards for the treatment of detainees, the Tribunal's DU has held more than 140 persons for different periods of time since April 1995. The DU does not separate detainees according to their ethnicity, nationality, religion or class.



© ICTY/Z. Lesic

## :: DEFENCE COUNSEL

Defence counsel represent the accused in proceedings before the Tribunal. The ICTY pays the costs of the accused's defence if they do not have the financial means to do so. Defence counsel are members of the Association of Defence Counsel, an organisation that is independent of the Tribunal.

## :: CRIMINAL PROCEEDINGS

Criminal proceedings are governed by the Tribunal's Rules of Procedure and Evidence. Written and amended by the Tribunal's judges, the rules regulate how trials are conducted and ensure that the accused is given a fair trial. The Tribunal's procedures borrow from both the common and civil law traditions, reflecting the Tribunal's international character.



© ICTY/OTP

The legal process at the Tribunal is set in motion by the Prosecutor. There is no investigative judge at the Tribunal. It is the Prosecutor who decides when to initiate an investigation, what to investigate, which persons to prosecute and what the charges should be. The Prosecutor will draft an indictment satisfied there is reasonable evidence that a person committed a crime, based on the evidence collected from on-site investigations, documents, and statements from victims and other witnesses.

The next step is taken by Chambers. Before a person can be accused and arrested a judge must agree that there is sufficient evidence to

bring the accused to trial. Once satisfied, he or she will confirm the indictment and issue an arrest warrant.



© ICTY/Z. Lesic

Once the accused is arrested or has voluntarily surrendered, he is transferred to the Tribunal's Detention Unit. At the accused's initial appearance, he can plead guilty or not guilty to the charges in the indictment. If the accused chooses not to enter a plea, the Chamber enters a plea of not guilty. If the accused pleads guilty, there will be no trial and a date will be set for the sentencing hearing. If an accused pleads not guilty he will be scheduled for trial.

The accused can be represented through his Defence counsel or choose to represent himself. If he wishes to have a Defence counsel, he can either choose his own or be assigned one by the Registry. In trial, three judges, of whom one must be a permanent judge, are assigned to hear each case. Judges hear evidence presented by the Prosecution and Defence during trial. The Trial Chamber may order the submission of additional evidence to assist it in determining the accused's responsibility.

Once the Prosecution and Defence have presented their evidence, the Chamber closes the trial and deliberates in private. When they have reached a final decision on the innocence or guilt and sentencing of the accused, they will publicly issue a judgement.

Both parties can appeal the Trial Chamber's judgement. In such cases, the Appeals Chamber makes the final judgement.

## :: SENTENCES AND ENFORCEMENT

A convicted person may be sentenced to imprisonment for a term up to and including life. There is no death penalty at the ICTY. Prison sentences are served in one of the countries that entered into agreements with the ICTY to accept persons it has convicted.

.....  
*I cannot bring back the dead [and] I cannot mitigate the pain of the families by my confession, but I wish to contribute to the full truth being established.*  
 Statement by Momir Nikolić, a Bosnian Serb intelligence officer sentenced to 20 years' imprisonment after pleading guilty to his part in the crimes in Srebrenica  
 .....

## :: THE FUTURE OF THE TRIBUNAL

In 2003 the Security Council endorsed the Tribunal's Completion Strategy that provided a roadmap for the Tribunal's staggered and ordered closure. The Tribunal's President and Prosecutor recently advised the Security Council that all trials are expected to be finished by 2013, and all appeals to be concluded by 2014, although these estimates may be reassessed.

The ICTY is an *ad hoc* court, established at a time when domestic institutions in the former Yugoslavia were not willing or able to conduct fair trials. As part of the Completion Strategy, the Security Council gave the Tribunal clear permission and instructions to assist in building the capacity of national courts in the former Yugoslavia to handle war crimes cases. Since then, the Tribunal has engaged in an extensive programme of assistance to national authorities in order to bolster their ability to process cases fairly and without political interference.



© ICTY/Outreach

The Prosecution has transferred volumes of evidentiary material enabling national prosecutors to build important cases and bring them to court. As well, a total of eight cases, involving 13 persons indicted by the ICTY, have been referred to the courts in the former Yugoslavia. The Tribunal has also been an active supporter of the establishment of specialised war crimes chambers and courts in the former Yugoslavia, advising on key penal code reforms and providing training to judicial officials and other staff. Most of the cases referred to local courts by the ICTY have been completed. Hundreds of other suspects have been and will be prosecuted by the judiciary in the region. In the summer of 2010 the Tribunal, in partnership with ODHIR office of OSCE and UNICRI, launched the War Crimes Justice Project which aims to facilitate the transfer of knowledge and materials from the ICTY to legal professionals in the former Yugoslavia, further enhancing the capacity of the judiciaries of the region to handle complex war crimes cases.

On 22 December 2010, the Security Council adopted a Resolution to establish a new body, International Residual Mechanism for Criminal Tribunals (IRMCT), to finish the remaining tasks of the ICTY and the ICTR after the completion of their mandates, which will maintain the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR. For the ICTY the mechanism will start on 1 July 2013 and, among other prerogatives, will have the power to prosecute the accused at large arrested after the completion of the Tribunal's mandate.



United Nations  
Nations Unies



International Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yougoslavie

## :: CONTACT INFORMATION ::

Communications Service  
Churchillplein 1, 2517 JW The Hague, Netherlands  
P.O. Box 13888, 2501 EW The Hague, Netherlands

Tel: +31 (70) 512 5343 / 5356 / 8752

Fax: +31 (70) 512-5355

Website:  
[www.icty.org](http://www.icty.org)

Follow ICTY on



- 2011 -

© ICTY/Outreach Programme/Graphic Unit  
- Not an official document -

The Outreach Programme is generously supported by the European Union.

