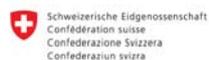


Legacy of the ICTY in the former Yugoslavia

*Conferences of the Outreach Programme of the ICTY sponsored by
the EU, the Governments of the Netherlands and Switzerland*

Concept Paper

Co-sponsored by the European Union and the Governments of the Netherlands and Switzerland



1. Introduction

The Outreach Programme of the ICTY will convene a series of conferences in the region of the former Yugoslavia in order to encourage a wider discussion of its achievements to date and legacy it will leave behind with those most directly affected by the work of the Tribunal – the citizens of the former Yugoslavia.

With the Tribunal's mandate coming to a close, now is the last opportunity for the ICTY and the communities from post-Yugoslav states to engage in a direct and constructive dialogue about how this institution contributed to transitional justice and reconciliation in the region, what it will leave behind and how its legacy can be fully put to use, as well as what could or should have been done differently. The need for such a dialogue is further underlined by evidence that more than 20 years after the conflicts in the former Yugoslavia started, and more than a decade since they ended, the process of dealing with the past is still lingering in all post-Yugoslav states, while reconciliation remains a distant goal.

In spite of the many achievements of the ICTY, its legacy remains underused in most of the processes of transitional justice in the region – in truth-seeking and truth-telling, in the search for the forcibly disappeared, in creation of the culture of memory and respect for the victims, in seeking just reparations for them, and in the reform of institutions. Apart from the national war crimes courts, it is only a small number of NGOs and a handful of individuals from the region, that regularly and systematically utilise the ICTY legacy in their activities focused on transitional justice.

Yet, the legacy of the ICTY – the facts it established, its archives and contribution to the rule of law in the region – could represent a decisive facilitator to the process of facing the past and eventual reconciliation. Anecdotal evidence suggests that apart from the negative perceptions of the ICTY in post-Yugoslav states, other factors contribute to the underuse of its potential in the region: lack of knowledge about the ICTY's legacy and the ways to access it; lack of access to the internet or skills to use the website and online legal database; unavailability of most of the trial transcripts in the local languages, unavailability of large parts of the records to the public, to name but a few.

The need for such discussions to be held with stakeholders in the region was one of the conclusions of the Tribunal's *Assessing the Legacy of the ICTY* conference, held in The Hague in February 2010. Similar opinions were voiced at the subsequent conference held in 2011 in The Hague. The Tribunal's legacy strategy has been defined with the input of a variety of international and national stakeholders that participated in the above mentioned events and other modes of consultations. However, no public discussions were held in the region of the former Yugoslavia, rendering the number of people who could contribute to the shaping of the Tribunal's legacy to a minimum. It is essential that this debate is taken to the wider cross-section of the communities in the former Yugoslavia and expanded from the discussion of purely the achievements of the Tribunal to how those achievements can be used in the ongoing parallel processes of dealing with the past. By doing so, the end beneficiaries would get the opportunity to voice their views of the obstacles and provide ideas for utilizing the ICTY legacy more extensively and more efficiently in the processes of facing

the past. Such feedback from the community would enable the Tribunal to, if necessary, revisit its legacy strategy in time for real and effective change to take place before the foreseen closure of the institution at the end of 2014.

With the Tribunal's final trials underway, it is now more important than ever for the ICTY to reach the affected communities and inform them about the unprecedented steps already made to ensure accountability for the crimes committed, but also to hear the citizens' views on additional steps that need to be taken to facilitate positive legacy of the Tribunal's work.

Goals of Legacy Conferences

The overall aim of these conferences is to contribute to the process of dealing with the past and cement the Tribunal's legacy in the region of the former Yugoslavia.

Specific project goals

- To increase the knowledge of the target groups about the Tribunal's achievements and the potential impact this can have on wider process of reconciliation in post-Yugoslav states.
- To serve as a venue for generation of ideas and creation of partnerships for the projects which utilise the ICTY legacy for transitional justice activities in the region.
- Consult all stakeholders and generate interest and support for the ICTY's legacy strategy in the former Yugoslavia.
- Share and gather information and foster contacts and partnerships between different actors in the former Yugoslavia, i.e. take stock of what is being done by different actors in relation to dealing with the past in the region.
- Provide an opportunity for consultation and creative brainstorming, and promote coordination and consolidation of efforts in the former Yugoslavia.
- Gather information and stimulate discussion about the expectations of the countries of the former Yugoslavia regarding the Tribunal's comprehensive legacy strategy
- To, if necessary, adapt and adjust the Tribunal's existing legacy strategy based on feedback received in the region.

2. Participants and Target groups

The participants will include the Tribunal's current and former senior officials, representatives of national jurisdictions, experts on transitional justice issues from other geographic locations that had to go through similar experiences to those of former Yugoslavia, victims, their families and their associations, youth, lawyers, journalists, politicians, NGOs, scholars and artists from post-Yugoslav states.

3. Activities

Representatives of all target groups will be invited to take active part in the conferences. At each of the conferences, the majority of the participants will be from the host country, while some of the guests may come from the region or other post-conflict area, in order to share their experiences on

similar issues. There will be four panel sessions per conference. The panelists will represent different target groups, so that the panels include the perspectives of: victims and their associations, the ICTY officials, local judiciary, civil society and academics. All participants of the conference will be invited to take an active part in the discussions. General topics of the panels will be the same for each conference, but the specific issues to be raised and debated will likely differ in each of the three countries, depending on the local priorities. The four general panel topics will be:

- What is the Tribunal's legacy and its role in transitional justice processes?
 - o This panel will provide an overview of issues and debates regarding the Tribunal's legacy, coming from the perspectives of the ICTY, local judiciary, the victims, civil society and academics.
- Dealing with the Past beyond the Tribunal – The Role of the Mechanism for International Criminal Tribunals (MICT), National Judiciaries and Non-Judicial Accountability Mechanisms
 - o This panel will discuss the key issues related to dealing with the past in the region after the Tribunal has completed its mandate, and the role that the MICT, local judiciaries and other mechanisms can play in that process.
- The Future of the Past: The Scope of the ICTY Legacy
 - o The main issue to be debated in this panel will be how to increase the impact of the Tribunal's legacy on facing the past and reconciliation in the region in the years to come.
- The Importance of the Tribunal's Archives
 - o The key issues related to the future of the Tribunal's archives and their use in the transitional justice processes in the region will be debated here, primarily their safeguarding, accessibility and outreach.