



UNITED NATIONS

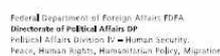
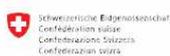
International Criminal Tribunal for the former Yugoslavia

Marking the Twentieth Anniversary of the Tribunal

A conference of the Outreach Programme of the ICTY, jointly sponsored by the European Union and the Governments of Switzerland, Luxembourg, the Netherlands, the Republic of Korea and Open Society Justice Initiative

Concept Paper

Co-sponsored by the European Union and the Governments of Switzerland, Luxembourg, the Netherlands, the Republic of Korea and Open Society Justice Initiative.



GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires Étrangères



OPEN SOCIETY
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Executive Summary

This paper describes a two-day regional conference, to be held in Sarajevo, which will mark the twentieth anniversary of the International Criminal Tribunal for the former Yugoslavia (“ICTY” or “Tribunal”). The conference will consider several aspects of the Tribunal’s role and legacy in the former Yugoslavia over the past two decades, and over the years to come. There will be a focus on several key areas: the Tribunal’s overall accomplishments and challenges it encounters; its contribution to the promotion of the rule of law in the region; the mechanisms of victim and witness protection in war crimes trials before national courts; and the future accessibility of the ICTY archive to the people of the former Yugoslavia, to be used in the ongoing process of facing the past. The recent report issued by IOM on the way forward to securing reparations for victims of the conflicts will also be discussed.

The conference will be attended by approximately 200 people, including senior Tribunal staff, local stakeholders representing a diverse range of roles and identities from across the region of the former Yugoslavia, and international experts and academics. At least two-thirds of participants will be from the former Yugoslavia.

The goal of the conference is to facilitate dialogue, debate, and awareness about the Tribunal’s successes and the challenges it has faced. More concretely, the event is expected to provide the Tribunal with direct input from the communities of the former Yugoslavia about what they expect from the Tribunal’s legacy.

Other goals are to share the Tribunal’s expertise in the field of witness/victim protection and support and to provide IOM a platform to share the findings of its report on the possibilities of securing reparations for victims.

The conference will include panels for debate and analysis, as well as working meetings which will identify issues for discussion during the second day of the conference.

The conference will be an opportunity for high-level Tribunal staff to engage with a geographically and ideologically diverse cross-section of local stakeholders and to strengthen connections between the Tribunal and local transitional justice projects.

1. Introduction

2013 marks the twentieth anniversary of the Tribunal. This occasion offers an opportunity for local and international stakeholders to review the Tribunal’s accomplishments, and to consider the Tribunal’s legacy and future role in the region of the former Yugoslavia.

To mark this anniversary, the Tribunal will host a two-day regional conference in Sarajevo. The conference will focus on the former Yugoslavia, and its citizens’ interactions with the judicial and outreach efforts of both the Tribunal and local courts.

Participants will include persons impacted in diverse ways by the conflicts in the former Yugoslavia, including victims, veterans, and young people who may not personally remember the conflict, but nonetheless live in its shadow. Stakeholders involved in rule of law work in the region will include lawyers, judges, and representatives of civil society organisations. Such a diverse range of attendees means the conference will include both supporters and critics of the Tribunal, as well as local citizens who are less actively engaged with the Tribunal’s work.

2. Conference Components and Structure

The conference will be held over two days, and its structure has been designed with the aim of ensuring both targeted deliberations and decision-making by the most active regional stakeholders, as well as a broader debate on key topics, encompassing everyone in attendance. The conference will also feature a number of opening speeches, as well as a keynote address. The keynote address will set the tone for the conference, and lay some of the groundwork for all of its debates and deliberations. Finally, the conference will include two side events, to facilitate informal exchange and discussion of the main conference topics.

During the first day, three working meetings will be held, covering the issues of (1) witness and victim protection and support in war crimes trials and (2) actions to be taken with respect to the establishment of Information Centres in the countries of the former Yugoslavia and (3) the report of IOM on the possibility of reparations for victims of war crimes. The conclusions reached during the working meetings will then be revisited on the second day of the conference during the panel sessions, allowing for a wider range of participants and viewpoints to be heard.

Speeches

- **Opening Speeches:** The conference will begin with brief welcoming speeches by a Tribunal representative and a high-level local stakeholder. The speeches will preview some of the main issues and questions of the conference, including the role of local communities, journalists and citizens in the work of the Tribunal.
- **Keynote Speech:** The conference will feature a keynote speech by Tribunal President and Appeals Chamber Judge Theodor Meron, followed by a 30 minute question and answer session with President Meron. The keynote speech will examine the legacy of the Tribunal throughout the former Yugoslavia and the challenges it has faced in the region. President Meron's speech will delineate the key themes and questions of the conference, and will incorporate issues including the rule of law, post-conflict development, and the Tribunal's legacy in the region.

Working meetings. The conference will feature three working meetings, which will be held on the first day of the event. Each meeting will be attended by a variety of relevant stakeholders, including local governmental and non-governmental representatives, international stakeholders active in the former Yugoslavia, victims' representatives, and relevant experts. The working meetings offer the possibility for targeted deliberation and decision-making with respect to some of the most pressing issues related to the Tribunal's legacy. The conclusions reached at the working meetings will serve as a basis for the discussions to follow on the second day of the conference, during the panel sessions.

- Working meeting 1: *Improving the victim and witness protection and support in war crimes trials before courts in the former Yugoslavia.* Key stakeholders from the national judiciaries will be joined by Tribunal representatives and members of the international community active in this field in the region, as well as representatives of victims and civil society, to discuss the current challenges in providing effective protection and support to the victims and witnesses testifying in war crimes cases before national courts in the former Yugoslavia. The working meeting will allow for exchange of experiences, presentation of lessons learned over the two decades of the Tribunal's engagement in this domain, and an opportunity for the facilitation of cooperation between the national judiciaries in the region. The goal of the working meeting will be to establish concrete and effective modes for the

coordination and exchange of know-how, both between the Tribunal and national war crimes courts, and between the key regional stakeholders themselves.

- Working meeting 2: *Information Centres*. The initiative to establish Information Centres (ICs) - which would host digital copies of the ICTY's public archive - in the countries of the former Yugoslavia has been in motion for several years now. On the basis of the report compiled for the UN Secretary-General, the governments of post-Yugoslav states have been invited to take charge of the process of establishing the ICs. Country-specific working groups have been formed to facilitate the process and they are currently negotiating the frameworks for the functioning of each of the ICs. These working groups will meet during the conference, with the aim of finalising the agreement about the conceptual, financial and administrative issues related to the establishment of the ICs, and arranging a date for a donors' conference to be held in the near future.
- Working meeting 3: *IOM Report on reparations for war crimes victims in the former Yugoslavia*. Following the recent publication of a report by the IOM on the possibilities for the development of a reparations programme for the victims of war crimes in the former Yugoslavia, the Tribunal will use the opportunity created by the gathering together of all the relevant regional and international stakeholders, to provide adequate time and space for them to discuss the report, and to reach concrete conclusions about the ways to take the process further. The goal of the working meeting will be for the participants to create a mixed governmental/civil society working group, which would then move the process forward, possibly under the auspices of an international organisation active in the region.

Panels: The conference will include three panel discussions which will be held on its second day. This will allow for the outcomes of the previous day's working meetings to be presented to, and discussed by, a wider audience. Panels will last for one and a half hours, including extensive time for questions and discussion. They will be chaired by experienced moderators, who will be prepared to actively facilitate discussion. Panel members will speak briefly (five to seven minutes each) and the remaining time will be open for discussion.

- Panel 1: *Assessing 20 Years of the Tribunal*. This panel will consider the Tribunal's achievements and its role in strengthening the rule of law in the former Yugoslavia. It will look at the Tribunal's judicial initiatives in the region, the example set by its jurisprudence, and its contributions to transitional justice. As well as assessing the Tribunal's impact panel members will consider ways in which the Tribunal can, through its legacy, continue to contribute to the development of the rule of law. It will also consider what complementary activities other transitional justice processes or mechanisms could undertake in the future. Panellists will include the representatives of the ICTY, of a local judicial body, a local civil society organisation, an international organisation and an academic institution.
- Panel 2: *Tribunal and Local Judiciaries: Lessons Learned in Victim and Witness Support and Protection*. Strengthening local judiciaries and the effectiveness of the war crimes trials they conduct is one of the key issues in securing the Tribunal's legacy. This panel will discuss how the wealth of expertise and knowledge the Tribunal has developed over the years can best be brought to bear in helping to provide strong and effective support and protection for victims and witnesses in the region. Panellists will include representatives of the Tribunal's Victim and Witness Support section, their counterparts from the victim and witness protection staff in local courts, and representatives from victims' groups and NGOs.

- Panel 3. *Reparations for War Crimes Victims in the Former Yugoslavia: In Search of the Way Forward*. This panel will be moderated by the representatives of the International Organization for Migration (IOM). At the Tribunal's initiative, the IOM recently produced a report entitled 'Reparations for Wartime Victims in the Former Yugoslavia: In Search of the Way Forward'. The panel will begin with a summary of the IOM report and allow various stakeholders active in the former Yugoslavia to add their input on the report. This will also be an opportunity to clearly present the limited role that the Tribunal can and ought to play in this process. The panel will consist of IOM representatives, local and international stakeholders active in the field of reparations, Tribunal representatives from the Office of the President and local victims' representatives.
- **Side events:** The conference will include two side events specifically designed for this occasion, with the aim of fostering further reflection and dialogue on the key issues of the conference
- Film Screening: The conference will include a screening of a documentary film, titled "Through Their Eyes", which has been produced specially for this event. The film will examine the crucial role that victims have played in the work of the Tribunal, and will offer a critical and inclusive perspective on who is identified as a victim and what it means to carry such an identity.
- Exhibition: *The Tribunal through Children's Eyes*. Part of the common space at the conference will feature an exhibition of drawings by children from the former Yugoslavia, inspired by their views and interpretations of the Tribunal and its work, and their visions and hopes for the future of their region.
- **Informal Networking and Dialogue:** Just as important as the structured aspects of the conference is a space for informal conversation and networking among conference participants. The conference will bring together a wide range of participants who may not have interacted before, including high-level Tribunal staff, local lawyers and judges, and representatives of groups from across the region that may not usually attend international criminal justice events. The conference will therefore offer opportunities for dialogue between diverse participants who have a broad spectrum of perspectives and level of involvement with the work of the Tribunal.

3. Benefits of the Conference

The participation of high-level Tribunal officials in a local conference is a strong symbol of the Tribunal's focus on the impact of its work on local communities. As the Tribunal prepares to complete its mandate, the conference will be an occasion to look back over the preceding twenty years of the Tribunal's work, and forward to the legacy the Tribunal leaves behind. The conference will be an opportunity to recall both the Tribunal's successes and its shortcomings from the perspective of individuals in the region.

An important outcome of this conference will be the discussions, conclusions and recommendations, about the ways in which judicial bodies, both local and international, can continue to strengthen the rule of law throughout the former Yugoslavia. The conference will strengthen the interaction between international justice, the rule of law, and post-conflict development, and will provide an impetus for further efforts in these areas, especially those related to the development of the reparations programme for war crimes victims. Particular attention will be given to the issue of victim/witness protection and support, and the mechanisms to enhance it in the practice of local war crimes courts.

By involving a wide range of participants in the conference, including those with critical perspectives, the conference can be a forum for honest debate, dialogue, and inspiration. The presence of high-level Tribunal representatives will ensure that this dialogue and feedback is passed directly to the institution by regional stakeholders. The conference will create a forum for creatively planning further rule of law projects, and strengthening regional accountability.

The conference will lead to further steps being taken with respect to the legacy initiatives that the Tribunal is currently developing in the region of the former Yugoslavia, notably the creation of Information and Documentation Centres.

The event will draw attention to the Tribunal's commitment to engaging with local stakeholders, and to addressing the challenges that continue to face the region. Holding the event in the former Yugoslavia and focusing on local organisations and individuals will emphasise the Tribunal's focus on the region and those most affected by its work.

For local participants, the conference will be an occasion to learn more about the Tribunal's work and to see it as a multi-dimensional and complex organisation, rather than simply a metaphor or symbol. Furthermore, the conference will provide an opportunity for local stakeholders to express to high-level Tribunal staff their thoughts and concerns related to the Tribunal's work. Finally, and perhaps most importantly, the conference will bring a wide variety of local stakeholders from across the region into contact with each other, thereby allowing for open dialogue and the forging of partnerships that may serve the Tribunal's goal of facilitating long-term stability and strengthening the rule of law in the region of the former Yugoslavia.