

# Closure of Tribunal for the former Yugoslavia marks end of important chapter for international justice – IBA

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Ahead of the upcoming closure of the **International Criminal Tribunal for the former Yugoslavia (ICTY)** – established in May 1993 in response to flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia – [International Bar Association](#) (IBA) legal experts reflect on the contributions to international justice of the first war crimes court created by the United Nations. At the closing of its doors on 31 December 2017, the ICTY will have heard the highest number of cases of any international criminal tribunal to date.

**Aurélie Roche-Mair**, Director of the IBA's International Criminal Court and International Criminal Law (ICC & ICL) Programme, commented: *'The ICTY was groundbreaking in many respects. It set important legal precedents, notably shaping our understanding of individual responsibility for genocide, war crimes and crimes against humanity. It demonstrated that the international community does not have to sit on the sidelines when courts in war-torn countries are unable to respond to atrocities.'*



Credit: UN International Criminal Tribunal for the former Yugoslavia

Created by the UN Security Council, the ICTY was the first tribunal of this ilk since the Nuremberg and Tokyo tribunals. It has issued 161 indictments during its tenure and heard some of its most significant cases towards the end of its mandate. On 22 November 2017, Ratko Mladic, Commander of the Main Staff of the Bosnian-Serb Army, was sentenced to life imprisonment, following his conviction for crimes

including genocide in the area of Srebrenica in 1995, terror in Sarajevo, as well as extermination and persecution in municipalities throughout Bosnia and Herzegovina. On 29 November 2017, the ICTY Appeals Chamber handed down its last judgment, in the *Prlic et al* case, in which it affirmed almost all of the Trial Chamber's convictions of Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Milivoj Petkovic, Valentin Coric and Berislav Pušić with respect to events occurring between 1992 and 1994 in eight municipalities and five detention centres in the territory of Bosnia and Herzegovina.

At its inception, and during its 24 years of existence, the ICTY has faced both challenges and criticisms. Lack of full state cooperation at various stages of the life of the Tribunal resulted in delays in arresting suspects and, at times, it has struggled with lengthy proceedings, insufficient outreach to affected communities, and lack of integration and support for defence counsel. The high-profile deaths of some accused while in the custody of the Tribunal – Slobodan Praljak in 2017, Milan Babic and Slobodan Milošević in 2006, and Slavko Dokmanovic in 1998 – also increased the politicisation of the Tribunal's legal process by some political groups and governments in the region.

**Dr Mark Ellis**, IBA Executive Director, said: *'The ICTY has contributed to the world an important historical record of the Balkans conflict and has left a substantial body of law behind it, including convictions for rape as a form of torture and recognising sexual enslavement as a crime against humanity. In so doing, it helped to break the culture of impunity surrounding these atrocious acts.'*

He added: *'As well as providing many lessons for future institutions, the ICTY has underscored the complexity of administering justice fairly and meaningfully for serious crimes, while also showing what is possible with political will and the cooperation of states. As we look to the permanently established ICC and other courts to hold fair trials for serious international crimes, taking stock of the successes and shortcomings of the ICTY is of vital importance.'*

In preparation for its closure, the ICTY organised a series of legacy dialogues and conferences in the course of 2017, in Sarajevo, The Hague, Nuremberg and New York, which reflected on many of its legal and operational issues. The Mechanism for International Criminal Tribunals (MICT) will now take over the remaining appeals from ICTY cases, including the *Karadžić* and *Mladic* cases. In addition to the MICT, national courts in Bosnia and Herzegovina, Croatia, Kosovo and Serbia continue to hear cases arising from the conflict, and the recently established Kosovo Specialist Chambers will address other selected crimes committed in Kosovo.

**ENDS**

#### **Notes to the Editor**

- 1. The **International Bar Association** (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Through its global membership of individual lawyers, law firms, bar associations and law societies, it influences the development of international law reform and shapes the future of the legal profession throughout the world.

The IBA's administrative office is in London, United Kingdom. Regional offices are located in: São Paulo, Brazil; Seoul, South Korea; and Washington, DC, United States, while the International Bar Association's **International Criminal Court and International Criminal Law Programme** (ICC & ICL) is managed from an office in The Hague, the Netherlands.

The International Bar Association's **Human Rights Institute** (IBAHRI) works to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

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