

Belgrade's 'Ban' on Kosovo Investigation

Author: [IWPR](#)
[ICTY](#)

Tribunal Update 96: Last Week in The Hague (5-10 October 1998)

If such investigations were carried out in Kosovo, the Foreign Ministry warned it might reconsider its existing cooperation with the Tribunal, in particular the agreement relating to the Prosecutor's Liaison Office in Belgrade.

The Office of the Prosecutor (OTP) responded with a simple statement: "up until the last few weeks, the Prosecutor has been undertaking investigations in relation to the events in Kosovo without any obstruction on the part of the Belgrade authorities." A team of investigators has in fact just returned from Kosovo. The Prosecutor's intention was to supplement this team with other investigators. However, that has not been possible because, the OTP states, "for the first time the Belgrade authorities have not issued visas in time for these other investigators to travel to Yugoslavia." When the OTP Liaison Office in Belgrade queried this with the Foreign Affairs Ministry, they were quoted FRY's official stance on the Kosovo investigation. That official stance is described in the OTP's statement as "totally unacceptable." Such a position, the Prosecutor states "ignores not only the express terms of the Tribunal's Statute, but also various United Nations Security Council Resolutions and Presidential Statements which unequivocally state that the Tribunal does in fact have jurisdiction over Kosovo." In that context, the OTP cites the relevant parts of the UN Security Council Resolution 1160 (adopted on 31 March 1998) and 1199 (23 September 1998), and the UN Security Council statement on the ICTY quoted above.

The Prosecutor believes that it is "in the best interest of FRY and of all people in Kosovo and Serbia, to allow the Prosecutor's investigators to fulfil their duties and thus to contribute to the establishment of the full truth about the conflict in Kosovo and the prosecution of those responsible for the crimes falling within the Tribunal's jurisdiction, as requested by the UN Security Council."

However, that which is "in the best interest of the people", does not necessarily have to be "in the best interest of the authorities." One sentence from the report by UN Secretary-General Kofi Annan dealing with FRY's (non)compliance with the UNSC Resolution 1199, issued on Monday, 5 October, confirms that, in this case, it isn't. Referring to "appalling atrocities in Kosovo", discovered in recent weeks, Annan said: "It is clear beyond any reasonable doubt that the great majority of such acts have been committed by the security forces in Kosovo acting under the authority of the Federal Republic of Yugoslavia." Given such legal statements of extreme importance, it becomes clearer why the FRY authorities suddenly decided that the OTP's Kosovo investigation "represents a violation of FRY's sovereignty." Nevertheless, the Prosecutor intends to pursue her Kosovo investigation, and it is now the Security Council's turn.

Location: [Balkans](#)
[Serbia](#)
[Kosovo](#)

Focus: [International Criminal Tribunal for the former Yugoslavia](#)

Source URL: <https://iwpr.net/global-voices/belgrades-ban-kosovo-investigation>