

International Justice/ICTY: Nov-Dec '08

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In-depth reports on key war crimes justice issues prompt discussion amongst analysts. IWPR reports dealing with the tribunal's completion strategy and calls for overturning Balkan extradition drew comment from analysts across the region.

In [an interview with IWPR](#), the former tribunal president Judge Fausto Pocar, who stepped down from his post in November, stated the court would not be able to finish its work by the 2010 deadline set by the United Nations Security Council, UNSC. He expressed the hope that the court would be allowed to stay open for longer.

Commenting on the interview, Ivica Cavar, from the Mostar-based NGO Centre for Civil Initiatives, said it was extremely important that the tribunal be allowed to continue to work even after the deadline expires.

"A lot of people in the region trust this institution and they expect that proceedings against all persons indicted by this court will be completed in The Hague. Forcing the tribunal to close down before all its cases are finished would be a wrong move," said Cavar.

"I personally don't even want to consider that option, because I'm sure members of the UN Security Council will come to some sort of an agreement. I hope that even General Ratko Mladic, if he is caught in the near future, will stand trial in The Hague."

He thought that in spite of opposition from some UNSC members, such as Russia, it was very likely that the court will be given more time to complete its work.

Nenad Sebek, executive director for the Centre for Democracy and Reconciliation in Southeast Europe, said that the tribunal could strengthen its case for staying open if it worked on improving its image in the Balkans.

"The tribunal has done a lot, but it has never managed to build a positive image in the region, especially in Serbia, Croatia and Macedonia," he said.

"If that problem is solved, then the tribunal should go on with its work even after the original deadlines expires."

According to Sebek, if the Hague court runs out of time before cases are completed, war crimes trials can continue in local courts. "It is possible to try everyone in the Balkans these days, even Mladic," he said.

A piece on an extradition ban in countries of the former Yugoslavia, published in November, also drew responses from analysts.

The report followed Croatian prime minister Ivo Sanader's call for bans on extradition currently in force in the Balkan countries to be overturned. This is a precondition for membership of the European Union.

Commenting on the article, [Extradition No Panacea for Balkan Legal Problems](#), Cavar says that Sanader's initiative was a step in the right direction and could help facilitate war crimes prosecutions.

"Overturning this ban could definitely help processing a certain number of fugitives who are currently residing in the countries of the former Yugoslavia and who rely on the constitution which guarantees that they won't be extradited to another country for trial," he said.

Cavar said that while this was unlikely to change any time soon, the idea was becoming “more and more realistic”.

“I hope that this issue will be solved simultaneously in all countries of the former Yugoslavia, so that unnecessary complications are avoided,” he said.

“Overturning the extradition ban would significantly contribute to the process of reconciliation in the region, and the courts could do their job faster and more efficiently.”

Cavar says the media can do a lot to promote this initiative from which all countries in the region would benefit, “The media can prepare the public for the changes to the constitutions of their respective countries, because it is natural to expect some resistance in the beginning.”

Sebek also believed the idea is very realistic, saying it was just a matter of time before the constitutions of the Balkan countries are changed in order to meet EU demands and overturn the extradition bans. “If we want to join the EU, these changes are inevitable,” he said.

News editor at Bosnian state TV Damir Simic said the local media should pay more attention to topics related to war crimes.

“Sometimes it seems that everyone wants to forget the war traumas by sweeping them under the carpet. But we need stories about war crimes trials and we need to hear the testimonies of the survivors of those crimes,” he said.

According to Simic, the future of war crimes prosecutions lies in the hands of local courts.

He added that the media had a huge role to play in this process, and can learn from the example of IWPR.

“[Media outlets] should monitor the trials regularly and raise their voice against any possible abuse of justice, and IWPR reports are the best example of how this should be done.”

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