

Pocar: Court's Work Must Continue

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Hague tribunal's president renews calls for the court to remain open beyond 2010.

The president of the Hague tribunal Judge Fausto Pocar this week told legal advisers to the UN member states that the work of the court must continue beyond the end of its mandate in 2010.

"It is clear that, in order for the tribunal's impact to be lasting and for its contribution to the societies of the former Yugoslavia to be maximised and preserved, the legal foundation of the ICTY, its statute and rules of procedure and evidence, and some of its functions will have to continue beyond the conclusion of trials and appeals," he said.

At the meeting in New York on October 29, Pocar said various tasks would still need to be done after the court was wound up - including trials of current fugitives, the referrals of cases to national jurisdictions as well as public information, capacity building and outreach.

The Hague tribunal has indicted 161 people since it was established by the UN Security Council in 1993.

Since the court's UN-mandated completion strategy was announced - under which all trials must finish by 2009 and all appeals by 2010 - observers have called for its mandate to be extended because key Bosnian Serb war crimes suspects Ratko Mladic and Radovan Karadzic are still on the run.

Some argue that outstanding trials should be handed over to judiciaries in the counties of the former Yugoslavia.

While others maintain that national courts in the Balkans are not ready to prosecute those accused of such grave crimes, such as Karadzic or Mladic, who stand charged with war crimes and crimes against humanity in Bosnia - including the massacre of some 8,000 Muslim men and boys at Srebrenica in 1995.

Pocar, an Italian professor elected president of the court in 2005, said this week that the position of the tribunal was "to posit radically downsized tribunals as the ideal residual mechanism" to continue the work of the ICTY, as well as its sister court, the International Criminal Tribunal for Rwanda.

During his speech, Pocar noted that one of the court's most significant achievements was "its demonstration of the fact that international criminal law is an enforceable body of law.

"Moreover, the experience of the ICTY shows that the enforcement of this body of law, far from being an end in itself, does in fact advance the rule of law within the countries most affected by its action and contribute to lasting stability in the affected region."

The president also addressed concerns about the possibility of conflicts over jurisdictions arising as a result of the proliferation of international courts in recent years.

He said that such concerns should not be a deterrent for establishing international tribunals in the future.

“Possible conflicts...will certainly be dealt with on an ad-hoc basis and will certainly not lead to impunity,” he said.

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Location: Balkans
Macedonia
Albania
Serbia

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