

Union Fears Job Insecurity May Harm Tribunal's Work

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It's calling for redundancy packages to be introduced, saying extended contracts alone are not enough. Recent extensions to the contracts of employees at the Hague tribunal have been met with a lukewarm response from their union, which insists they are insufficient to retain staff until the court's work is complete.

And that raises the prospect of the tribunal not having the crucial staff it needs to get through its busy schedule - which includes the trial of ex-Bosnian Serb president Radovan Karadzic - by the time it is due to close.

The International Criminal Tribunal for the former Yugoslavia, ICTY employs more than 1,100 staff members in various fields, including international and humanitarian law, social sciences and administration.

According to an internal announcement - seen by IWPR - the court was to shed 258 jobs in 2009. But following a December resolution passed by the United Nations, most staff members are now set to be retained until March 2010.

"Approval by the [UN] General Assembly gives the tribunal all the required resources and staffing through 2009," said tribunal spokeswoman, Nerma Jelacic, who was not able to confirm further details.

According to its schedule, the tribunal was meant to be winding down its work, with all first-instance trials to be completed by the end of last year. Only appeals procedures were due to be ongoing at the moment.

However, as things stand, the trials of seven suspects have not even started, while proceedings against 45 others are currently ongoing. Most significantly, the trial of Karadzic, who was captured last July after 13 years on the run, is not expected to start until at least midway through this year.

A congested trial schedule and late arrests of fugitives mean the court looks set to continue its work well into 2011.

Although he welcomed the contract extensions, Rick Cottam, the head of the ICTY staff union - which represents all workers, except the chief prosecutor and judges - said that staff members at the ICTY were not being given redundancy packages by their UN employers, and called for these to be introduced.

Without redundancy pay to reward them for seeing out their contracts, staff may well look for new jobs and then leave early, jeopardising the work of the court, he said.

"[The extension] is not the golden handcuffs that the union was hoping for. It doesn't really secure people. All it says is certain people at certain times can have their contracts extended. Well, we knew that," Cottam told IWPR.

According to Cottam, in today's uncertain economic climate, staff will leave the ICTY before the end of their contracts unless their long-term income is secured.

Two employees had already defected to other posts on lower pay outside the court, but with more secure long-term prospects, he said.

"If you are in a situation where you know the organisation is going to close, [the issue is] when do you go, and what's going to entice you to remain in the organisation," he said.

The continued advertising of positions on the ICTY website at a time when the court is looking to reduce rather than increase its workforce, would appear to confirm that staff members are departing prematurely.

This also begs the question of how quickly and effectively fresh replacements can get up to speed as the court faces pressure to finish its work.

A key area of employee retention is among the organisation's support staff, who, although they are not leading the trials themselves, Cottam insists are "absolutely key" to the operation as a whole.

Many, for example, work with the tribunal's unique in-house computer system which plays a vital role in daily court hearings.

"It [would be] like the military having no cooks and no drivers," he said.

Paradoxically, the UN is looking to wind up the ICTY trials as soon as possible, but Cottam said this can only happen if the necessary staff members are retained.

"If you want the [trials] to finish as quickly as we can, we are going flat out now, you have to have the skilled people in place to do that," he said.

The union is also asking the UN to arrange for employees recruited from the former Yugoslavia to be allowed to remain in The Netherlands after their contracts expire to avoid the risk of discrimination and threats that some say await them back home.

Alternatively, it says regional employees should be guaranteed further international postings within the UN.

Currently, employees from the Balkans who have worked at the court for less than a decade are not entitled to remain in The Netherlands after their contracts expire. And even after ten years, they must be in possession of a 12-month contract of further employment to remain.

A Croatian employee who spoke to IWPR on condition of anonymity said she may be forced to return to Croatia at the end of her contract, despite having worked at the tribunal since 1999.

She said the ICTY is despised in Croatia, particularly on account of what people feel were lenient sentences passed down to the Serb commanders involved in the 1991 Vukovar massacre when over 200 Croats and other non-Serbs hiding in a hospital were slaughtered.

“When people [in Croatia] ask me where I live in Holland, I never say in The Hague. I say in a little fishing village near Rotterdam,” she said. “You immediately create anger [if you mention The Hague] even if people don't know you.”

A Serbian employee said he feared threats if he had to return to Serbia. He told IWPR that he had twice been intimidated by Serbian police on account of his job at the court.

“The police in Serbia are still very much negatively disposed towards cooperation with the tribunal. They ask you where you work, you tell them where you work, and then they start verbally abusing you,” he said, adding that he might also struggle to find a job.

“It's enough that one person that is possibly in a position to pronounce upon your application is negatively disposed towards international justice or the UN, particularly the ICTY and that's it, you will not get the job.”

However, officials in the former Yugoslav countries where domestic war crimes courts are also prosecuting suspects from the conflict said ICTY employees would be welcomed into state posts.

“Everyone who knows international law and who previously worked in the tribunal would find a place in Serbian state institutions,” Slobodan Homen, a senior official in the Serbian ministry of justice, told IWPR.

“They can be of great help for future work, especially for international law and international cooperation, because the Hague tribunal is a very important international institution.”

Croatia's justice ministry had a similar message.

“There is no discrimination, nor will there be,” said spokeswoman Vesna Dovranic.

Most independent observers in the region who spoke to IWPR agreed with them, saying they had not heard of cases of discrimination against former ICTY employees.

But the Serbian tribunal employee said political uncertainty in his home country meant that were a nationalist government to regain power at the next election then anyone with an employment history at the ICTY would struggle to get a government job.

“Nobody can guarantee we will have a European-orientated government in two years in Serbia,” he said.

However, Vojin Dimitrijevic of the Belgrade Centre of Human Rights said Serbia had moved on from the days of strongly nationalist governments.

According to him, the main political opponent of the ICTY, the Serbian Radical Party, SRS, whose leader Vojislav Seselj is on trial there, is falling apart.

Marko Hoare, who worked as a research officer at the tribunal in 2001, agreed with him, saying that while staff might encounter some difficulties, he did not foresee it being hard for them to get jobs in their home countries.

“I would have thought there were certain people who would employ you just as well if you have been at The Hague and might be quite impressed by it,” he said.

“My feeling is that most people in the region don't bear personal grudges against people because of political reasons, so if you had worked at The Hague it wouldn't bar you from applying to most areas.”

Simon Jennings is an IWPR reporter in The Hague.

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