

## **The impact of the existence and activities of the ICTY on the former Yugoslavia: whose responsibility?**

A seminar organized in the series of the  
Forum for International Criminal Justice and Conflict<sup>1</sup>  
by PRIO and the Norwegian Centre for Human Rights (University of Oslo).

*Wednesday, 26 March 2008 11:00 –12:30*  
*PRIO, Hausmanns gate 7, Oslo*

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was established in 1993 and commenced its activities in 1994. Since then, it has prepared and tried dozens of cases involving allegations of war crimes, crimes against humanity and genocide in the former Yugoslavia, accumulating a staff of more than 1,000 persons over several years, at the cost to the United Nations of some USD 120 million per year. The investment by the international community and states in the efforts of the Tribunal to bring persons responsible for core international crimes to criminal justice has been extraordinary. At the same time, the sincerity and intensity of the efforts made by the Tribunal's staff to fulfill its mandate can not easily be criticized.<sup>2</sup> Nevertheless, there has been limited acceptance of the ICTY by governments and people in the former Yugoslavia where the alleged crimes were committed. What are the reasons for this? How do we measure the impact of the ICTY on territorial states? Has the 'outreach activities' of the ICTY failed? Why? What should be the effect of the existence and work of the ICTY on the territorial states? Whose responsibility is it to ensure that this effect is achieved: the Tribunal, the governments of territorial states, other governments, civil society? Which lessons can be learned from this aspect of the interaction between the Tribunal and the states and peoples in the areas affected by the crimes?

These are among the questions that we will address in this mini-seminar. Professor M. Cherif Bassiouni – one of the fathers of international criminal law – will address the topic in a one hour lecture, to be followed by comments by Mr. Rolf Einar Fife, the Director-General for Legal Affairs in the Norwegian Ministry of Foreign Affairs and one of the key diplomats behind the International Criminal Court.

- 11:00 **Welcome**, Christian Ranheim (Director, ICC Legal Tools Programme, Norwegian Centre for Human Rights).
- 11:05 **The impact of the existence and activities of the ICTY on the former Yugoslavia: whose responsibility?** by M. Cherif Bassiouni<sup>3</sup> (Professor, DePaul University).
- 12:05 **Comments** by Rolf Einar Fife (Director-General, Legal Department, Norwegian Ministry of Foreign Affairs).
- 12:20 *Discussion.*

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<sup>1</sup> A debate forum open to individuals interested in issues concerning international criminal justice and conflict, started and co-ordinated as an initiative under the ENI Programme of PRIO (by its Senior Researcher Morten Bergsmo, in consultation with PRIO Researcher Nobuo Hayashi and Dr. Jo Stigen, Department of Public and International Law, University of Oslo). The Forum aims to identify and facilitate debate on key issues in international criminal justice and conflict, including accountability-related measures other than criminal justice, and to bring together practitioners, government officials, NGO representatives, academics, students and others with an interest in this emerging field of practice and research. Information about the Forum can be found at [www.prio.no/ficjc/](http://www.prio.no/ficjc/).

<sup>2</sup> But there have been serious concerns among some observers about strategic choices made in the work of the Tribunal, not concerning its independence and impartiality, but more with regard to the planning and organisation of its work and work processes.

<sup>3</sup> Distinguished Research Professor of Law at DePaul University College of Law, Chicago, and President of the International Human Rights Law Institute which he founded in 1990. He is also President of the International Institute of Higher Studies in Criminal Sciences in Siracusa (Syracuse), Italy, as well as the Honorary President of the International Association of Penal Law (President 1989-2004). He has served the United Nations in a number of capacities, including as Member and then Chairman of the Commission to Investigate War Crimes in the Former Yugoslavia (1992-94), and later as member or chairman of several expert bodies in the preparation of the establishment of the International Criminal Court. In 2004, he was appointed by the United Nations High Commissioner for Human Rights as the Independent Expert on the Situation of Human Rights in Afghanistan.