

ICTY – 19 years later:

A critical review

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Time

- years and years of processing
- collision of defendant's rights
- Šešelj case – 9 years in custody without a verdict
- S. Brammertz: “Šešelj case is not a successful story”



- Vojislav Šešelj performing in Hague

Article 6 of the European Convention on Human Rights

- 1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing **within a reasonable time** by an independent and impartial tribunal established by law.



Human Rights

CHAPTER 42

ARRANGEMENT OF SECTIONS



THE UNIVERSAL DECLARATION OF Human Rights

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of justice and peace in the world. Regard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of thought and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law. It is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and Whereas all human beings are born free and equal in dignity and rights and are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The European Convention on Human Rights

Achievements, Problems and Prospects

Steven Greer

Sentencing

- a slap on the wrist of the offender is a slap in the face of the victims
- life in prison – 5 persons (Popović, Beara “Srebrenica”, Lukić “Višegrad”, Stakić “Prijedor”, Stanislav Galić)
- more than 30% - 10 or less



- Vujadin Popović



- Ljubiša Beara

- Milan Lukić



- Milomir Stakić

In prison
for life



- Stanislav Galić

- mitigating circumstances: remorse, voluntary surrender
- detailed guidelines – a missed opportunity
- “ordinary sentences for extraordinary crimes”

Joint criminal enterprise

- is a legal doctrine used by the ICTY to prosecute political and military leaders for war crimes committed during 'Yugoslav wars'
- parallel indictments

- *amicus curiae* - is someone, not a party to a case, who volunteers to offer information to assist a court in deciding a matter before it
- the decision on whether to admit the information lies at the discretion of the court

- “Croatia is defending crime”
- “governments are trying to change the facts which are well known to all the reasonable participants”

- Thank you for your attention!