

OUTREACH

15 years of Outreach at the ICTY



UNITED NATIONS - NATIONS UNIES
International Criminal Tribunal for the former Yugoslavia
Tribunal Pénal International pour l'ex-Yougoslavie

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Last but not least, the editors would also like to thank the Principals of the Tribunal and their staff for their invaluable support they have been providing to the Programme and their endorsement of this project.



This publication makes use of QR codes (Quick Response code) to expand the reading experience. Where available, these will bring you to the related webpage of the article. You will need a Smart Phone app that reads QR Codes.

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Foreword

by President Carmel Agius





President **Carmel Agius** has been a judge of the ICTY since November 2001. Prior to his appointment as President of the ICTY in November 2015, he served as its Vice-President for four years from November 2011. During his time at the Tribunal, President Agius has sat on and presided over a large number of trial and appeal cases in both the ICTY and the International Criminal Tribunal for Rwanda (ICTR). He has also been a judge of the Mechanism for International Criminal Tribunals (MICT) since 2011.



As the last President of the International Criminal Tribunal for the former Yugoslavia (ICTY), I have the honour of guiding its closure in 2017. This mission comes with numerous responsibilities, including that of consolidating the image of the Tribunal and the impact of its work, with a view to ensuring its strong and long-lasting legacy. To this end, it is fundamental that in the remaining biennium, the Tribunal continues its commitment to fostering peace and security in the former Yugoslavia, to ending impunity for the commission of international crimes, and to preventing their recurrence in the region. I, personally, intend to support the achievement of these goals with determination until the end of my mandate, as a reflection of my longstanding commitment to international criminal justice.

The creation of the Tribunal in 1993 heralded a new-found willingness of the international community to bring to justice perpetrators of war crimes and gross violations of human rights.

Its contribution to the jurisprudence of international criminal law since that time will be regarded as one of its significant achievements. In addition, the Tribunal has played, and continues to play, a pivotal role both in setting global standards for international criminal law and justice and in supporting the rule of law at the national level. In this respect, critical to the broader success of the Tribunal is the understanding of its work by the international community as a whole, and in particular by the countries in the former Yugoslavia.

The Outreach Programme provides vital assistance in fulfilling this mission. Being at the heart of the Tribunal's relationship with the former Yugoslavia, it offers an opportunity to work with the communities in the region and reflect on the Tribunal's achievements. By communicating directly with the people of the region, through its numerous projects and activities, the Outreach Programme makes the Tribunal's trials, appeals and judgements easily accessible to all levels of the population. As a result,

despite the Tribunal's geographical remoteness from the locations where the atrocities occurred and its use of languages and procedural rules foreign to the countries of the former Yugoslavia, the Outreach Programme has enabled people in the region to witness justice being done in The Hague. In this regard, it remains crucial for the Tribunal, through the Outreach Programme, to continue to disseminate its findings and to explain the significance of its achievements to the people of the former Yugoslavia during the last phase of its existence.

It is with particular pride that I applaud this publication, which highlights and celebrates the valuable work undertaken by the Outreach Programme over the past 15 years. It is a publication which shows how, every year, thousands of people from the former Yugoslavia come into contact with the Tribunal through a variety of activities organised by the Outreach Programme. These have included grassroots projects with regional communities and the local media, youth projects such as visits to schools,

capacity building activities for national judiciaries, visits to the ICTY as well as the production of documentaries, multimedia websites and social media outputs. Such activities are concrete demonstrations of the Tribunal's efforts to raise awareness of its work and its achievements in the region, with the ultimate goal of ensuring that its legacy will endure. I have faith that, through the continued efforts of the Outreach Programme during the final biennium, this goal will be met.

Introductory remarks

by Judge Gabrielle Kirk McDonald



A few months after I was elected President of the Tribunal in November 1997, reporters who had just returned from the Prijedor region told me that many people did not credit the Tribunal's findings in the Tadić Judgment regarding the commission of brutal crimes against persons forcibly held in the Omarska, Keraterm and Trnopolje camps in the former Yugoslavia. Rather, they believed that these were 'collection centers' where persons were temporarily housed, at their own request, while waiting to voluntarily leave the area. In fact the Judges received no credible evidence that the detention was voluntary. I had been the Presiding Judge of the Trial Chamber that conducted this first trial at the ICTY. For 79 days, over a 6-month period, Judges Ninian Stephen, Lal Vohrah and I had heard from 125 witnesses from the Prosecution and the Defense, resulting in a transcript of some 7,000 pages, with 472 exhibits. What we heard from witness after witness was that a campaign of terror was waged against detainees at

the camps, who were subjected to inhumane living conditions, and often beaten, raped and killed.

I felt as if all our work, as well as that of the supporting court personnel - interpreters, clerks, guards, audio-visual operators - had been in vain. Most importantly, I feared we had failed the people from the region, who were willing to put themselves and their families in jeopardy to testify in trials that were broadcast back home. At that very moment, I realized that the Tribunal must actively work to dispel the myths, rumors and misunderstandings about it and its processes, and it was not enough to hold trials in The Hague and hope that truth and justice would magically trickle down to the people for whose benefit, after all, the Tribunal was created.

I was firm in my belief that the Tribunal was not an intellectual exercise designed to court academics; rather, it was about bringing justice to victims, imposing accountability upon

accused persons only after fair trials and, thereby, ending the cycle of impunity that had resulted in distrust, and retaliation.

Initially, the Tribunal faced many challenges. It was established while the conflict was ongoing and was located hundreds of miles away from the region where the crimes had been committed. It followed a system of law very different than that in the former Yugoslavia, and, for the most part, except for the interpreters, was staffed almost solely by persons who were not from the region. Yet, one difficulty was especially acute - the prevalence of misunderstandings and absolute falsehoods about the Tribunal.

Given this environment, it was essential that the Tribunal actively work to bring its message and the facts about its work to the people of the region. To this end, the Tribunal held the ICTY Outreach Symposium from 14-17 October 1998 in The Hague. The Coalition for International Justice agreed to help

by organizing the conference, with funding from the United States Institute of Peace. Fourteen leading judges, prosecutors and defense counsel from the former Yugoslavia observed trials and met with senior members of the Tribunal's three organs: Chambers (the President and Judges); Office of the Prosecutor (including the Investigations section) and the Registry (including the Victim and Witness Protection section, and the Press Office). We were fortunate enough to also have in attendance Ian Martin, the Deputy High Representative for Human Rights in the Office of the High Representative for Bosnia and Herzegovina (BiH). These dedicated lawyers and jurists came from a wide range of backgrounds and political beliefs; some came already supportive of the Tribunal, but others were clearly skeptical, at the least.

We hoped that this opportunity for a first-hand view would help to dispel some of the myths, rumors and misunderstandings about the Tribunal. The conference was well

received, and following the meeting, on their own initiative, several of the participants submitted proposals designed to further increase communications and understanding.

In November 1998, I dispatched a representative from the Press Office, Jim Landale, and Jonathan Cina from my office to BiH and Croatia to meet with local and international governmental and non-governmental representatives, lawyers, judges, activists and international institutions to listen to their views on what the Tribunal could or should be doing to improve its image. They conducted over 100 interviews with individuals from different locations and professions in Croatia and both entities of BiH. What they found was extremely instructive.

Many individuals indicated that attitudes towards the Tribunal had improved since it was established in 1993, and that the Tribunal now was accepted as a reality. But there continued to be a perception that the

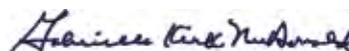
Tribunal was shrouded in mystery. It was perceived as depersonalized, distant and unresponsive, too narrow in its focus and too legalistic in its outlook. Many considered that the Tribunal was influencing their lives with no input from them. Yet many desired greater access to the Tribunal through both its jurisprudence and direct representatives stationed in the region. There was unanimity among the international organizations consulted that the immediate establishment of a local ICTY presence was an imperative.

We believed that if the ICTY were to accomplish the UN-mandated goal of helping to bring about international peace and security, the people of the region must come to know and appreciate the Tribunal as being fair and just and we saw the Outreach Programme as key. The Programme would come to be a link between the region and the Tribunal that was geographically and structurally disconnected, and the staff would explain the trials and provide

copies of the judgments in the local languages. Conferences would continue to be held in The Hague and also would be organized in the region, bringing together various sectors of the community with representatives of the Tribunal.

Before I left the Tribunal in November 1999, we were able to recruit a coordinator, Liam McDowall, and the Outreach Programme was functionally established.

The Outreach Programme has developed beyond anything I could have imagined and is now an important part of the fabric of the former Yugoslavia and a tool for justice. Although the ICTY Outreach Programme was a novel idea when first established, it has served as a model for outreach programs within all of the international criminal institutions, including the International Criminal Court.



Judge Gabrielle Kirk McDonald of the United States was among the first eleven judges elected to the ICTY in 1993, and presided over the Tribunal's first trial in the Tadić case. In November 1997, she was elected President of the ICTY, a position she held until her departure from the Tribunal in 1999. During her tenure, she fought hard to improve the visibility of the ICTY, including in the region of the former Yugoslavia, by setting up the Tribunal's Outreach Programme.

Foreword

by Prosecutor Serge Brammertz



The ICTY Office of the Prosecutor is pleased to contribute to this publication marking the 15th anniversary of the ICTY's Outreach Programme.

This is an occasion to pay tribute to the leadership and wisdom of President Gabrielle Kirk McDonald for establishing the Outreach Programme. In criminal justice, a cardinal principle has always been that a judgment must speak for itself. Public engagement on matters of justice is typically seen as risking a court's independence and impartiality. Yet the Tribunal is not an ordinary court and it does not face ordinary circumstances. To repurpose another cardinal principle of law, for the Tribunal, prosecuting mass atrocities committed in religious- and ethnic-driven conflicts, justice not only had to be done, it had to be seen to be done. As Judge McDonald astutely noted in 1998: *"If our work is not relevant to those affected by the conflict, the Tribunal's important substantive jurisprudence will have little practical effect on the peace*

process. Our decisions and findings must be known and understood by the peoples of the region, not just by international legal academia."

The OTP strongly supported the establishment of the Outreach Programme because we had been on the ground in the countries of the former Yugoslavia since 1994, and had seen first hand the gap between The Hague and the region. Misunderstandings and suspicions were the norm. Of course, powerful vested interests shaped public opinion to their advantage, but even more, facts about the Tribunal simply were not available. The OTP believed that the Tribunal would not be able to fulfil its mandate unless it began reaching out to the public. It had to explain its work and results in terms that people could understand and recognise.

That is why, in addition to carrying out its own outreach activities, the OTP is proud to have contributed to the Outreach Programme over the last fifteen years. Our investigators,

prosecutors and staff have participated in numerous public events, conferences and lectures organized by Outreach, particularly through the *Bridging the Gap* and Youth Outreach programs. More recently we have contributed our expertise and knowledge to the production of documentaries surveying the Tribunal's work on important topics. Our cooperation with the Outreach Programme should intensify in the coming years. The Tribunal's final trials, particularly those against Radovan Karadžić and Ratko Mladić, are among the most important in the Tribunal's history, and effective outreach will be needed now more than ever.

It will also be important that in the Tribunal's final years there is an opportunity for critical self-reflection on its experiences with outreach. Over fifteen years, the Outreach Programme has been a laboratory for different approaches and programs. By identifying lessons learned and ultimately assessing whether the Tribunal has made its work relevant to

Serge Brammertz has been Chief Prosecutor of the ICTY since January 2008. From January 2006 to December 2007 he was Commissioner of the UN International Independent Investigation Commission into the assassination of former Lebanese Prime Minister Rafik Hariri. Previously, in September 2003 he was appointed the first Deputy Prosecutor of the International Criminal Court, where he initiated the first ICC investigations in Uganda, the Democratic Republic of Congo and Darfur. Prior to his international appointments, Prosecutor Brammertz was head of the Federal Prosecution of the Kingdom of Belgium.



the people of the former Yugoslavia, the Tribunal can greatly contribute to the success of other international justice outreach efforts in the future.

Foreword

by Registrar John Hocking



I first visited Sarajevo in the late 1990s, as a Legal Officer who had just joined the ICTY in its early days. Surrounded by the devastating effects of war, I was struck by how a city, known throughout its history as a mosaic of different peoples and religions, had become a victim of its own diversity. The ICTY had already embarked on its path to understand how the events in Sarajevo, and across the Balkans, had occurred and to hold those most responsible to account. While these efforts alone were extraordinary, it was apparent, even then, that they would not automatically translate into awareness, justice, and peace for the people affected.

It was during these early years that Judge Gabrielle Kirk McDonald had the remarkable foresight to understand that the proceedings taking place in The Hague needed to reach the people of the former Yugoslavia. The powerful message of international criminal justice had to resonate across geographical distance, language barriers, different legal systems,

and competing narratives. Judge McDonald's vision became the ICTY Outreach Programme.

After my appointment as Registrar of the ICTY, I made strengthening the Outreach Programme a priority. In 2010, a new Outreach strategy was adopted and the Programme developed innovative activities tailored to engage diverse audiences. "15 Years of Outreach at the ICTY" pays tribute to these and the preceding initiatives. I am gratified that youth outreach is the first, reflecting the Programme's particular emphasis on building relationships with the younger generation.

In five years, the Programme has reached over 8,000 high school and university students in the region and established partnerships with approximately 50 local organizations. Four full-length documentaries on multiple aspects of the ICTY's work and legacy, also described in this book, have been broadcast by more than 20 TV stations in the region on more than

100 occasions, and are available on YouTube. All ICTY public information material is translated into Bosnian/Croatian/Serbian (B/C/S).

For all these achievements, I wish to acknowledge and express gratitude to two key groups, without which this would not have been possible. I thank the donors that have believed in and supported the ICTY Outreach Programme throughout the past 15 years, particularly the European Union, which has pledged to see the Programme through to the end of the ICTY's mandate in 2017. I also wish to recognise the ICTY Outreach staff, both in The Hague and in the field offices. Through their instrumental contribution, they connected the Tribunal with the individuals most closely touched by its findings, increasing awareness and conveying expectations.

Although much has been accomplished, more remains to be done. A few years ago, I travelled to Slovenia for the launching of a proposal: creating



John Hocking has been Assistant Secretary General, Registrar of the ICTY since 15 May 2009. He was reappointed on 15 May 2013 by the United Nations Secretary-General, for a term of four years or until the completion of the Tribunal's mandate if sooner. Mr Hocking was also appointed the Registrar of the Mechanism for International Criminal Tribunals by the United Nations Secretary-General on 18 January 2012, a position that he will hold while continuing to perform his functions at the ICTY.

Mr Hocking is a long-standing staff member of the ICTY having joined the institution in 1997.

Information Centres across the former Yugoslavia. Inspired by the Information and Document Centres for the ICTR in Rwanda, the centres in the Balkans would become repositories of materials about the ICTY, meeting places for discussion, and catalysts for peace, at the heart of the affected communities. The Outreach Programme's planning for the first centre in BiH is ongoing. With this, and other initiatives, the ICTY will continue to spare no efforts to ensure that its legacy lives on, shapes the future and resonates in the region and beyond.

The image features a close-up, slightly blurred view of the European Union flag, showing the blue field and the golden-yellow stars. The flag is draped, creating soft folds and highlights. The word "Donor" is printed in a bold, yellow, sans-serif font on the right side of the image. A thin, horizontal yellow line runs across the top of the frame, just above the stars.

Donor

statement



The European Union recognised very early on that the Outreach Programme would be instrumental in ensuring that the important judgements and decisions of the ICTY are made accessible and understandable to the communities in the former Yugoslavia.

The Outreach Programme was established 15 years ago to communicate to those affected by the conflict not only the findings of the ICTY's trial cases, but also the important notions which underpin the Tribunal's work.

These include the concept of individual criminal responsibility, the rule of law and respect for human rights. These principles are amongst the core tenets shared by all members of the European Union.

The transitional justice process and the process of the accession of the countries of the former Yugoslavia to the European Union will continue to be based on these principles.

The ICTY Outreach Programme plays an important role in facilitating this process.

Over the years, the European Union has stood firmly behind the Outreach Programme - watching it grow from its modest beginnings to the robust and innovative programme it is today.

We have been impressed by the dedication and expertise of the small Outreach team, which has worked tirelessly both in The Hague and in the countries of the former Yugoslavia to ensure that the ICTY's legacy has the widest possible impact.

I am pleased that the European Union will continue to support the important work of the Outreach Programme until the end of the ICTY's mandate in 2017.



Catherine Wendt
Acting Director for Western Balkans,
European Commission
Directorate-General,
Neighbourhood and
Enlargement Negotiations

A black and white photograph of a person's hands holding a pen. The person is wearing a dark, ribbed sweater. The background is blurred, showing what appears to be a window with a grid pattern. The word "Youth" is overlaid in a bold, yellow, sans-serif font on the right side of the image.

Youth

outreach



Whilst many of today's youth did not live through the events that devastated the Balkans in the 1990s, these young people will shape the way their nations deal with the legacy of the conflict in the years to come. It is for this reason that from the outset, the Outreach Programme has placed young people's potential to bring about positive change in their communities at the heart of its work in the former Yugoslavia.

Over the last fifteen years the Outreach Programme has reached out to young people, informing them about the importance of the Tribunal's work and its significance to their communities and future. The Outreach Programme has enabled tens of thousands of high school and university students, young NGO activists and professionals to learn first-hand about the Tribunal's cases and jurisprudence. Outreach staff have given lectures and seminars, met with students and held presentations for high-school students across the former Yugoslavia.

Over the years, the work of Outreach has evolved to reflect changing audiences in the region and lessons learnt. At the start of the programme, study visits to the ICTY were viewed as the main tool to connect The Hague and the former Yugoslavia. Since 2000, Outreach has organised hundreds of tailor-made study visits and programmes. This has been of key importance in providing insight into the institution and challenging misconceptions about the Tribunal.

Between 2007 and 2011, young people from the region benefited

from an internship programme which was developed in partnership with Youth Initiative for Human Rights (YIHR), an NGO based in the former Yugoslavia. Numerous students and young professionals from the region were given the opportunity to learn about international humanitarian law and the work of the ICTY and then to share that knowledge with colleagues in the region.

Following the adoption of the new Outreach Strategy in 2010, new ways to engage young people in the region were sought. This led to the creation of the Youth Outreach Project in 2011, which has focused on high school and university students between the ages of 16 and 26 and has involved high school presentations and university lectures in BiH, Croatia, the former Yugoslav Republic of Macedonia (FYROM), Kosovo*, Montenegro and Serbia.

The project, generously funded by the Ministry of Foreign Affairs of Finland, was officially launched in Sarajevo in December 2011. Since then it has reached thousands of young people in the region and encouraged them to think critically about transitional justice and how this will shape the region in the future.

The Outreach Programme is now focussing on ensuring the project's sustainability in the former Yugoslavia and on continuing education and training for young people on these important issues after the closure of the ICTY.

* Throughout this publication, this designation is used without prejudice to positions on status, and is in line with UNSC Resolution 1244.

Youth Outreach Project

Introducing the work of the ICTY to the next generation

The ICTY Youth Outreach Project was set up in 2011 to inform high school and university students from the former Yugoslavia about the work of the Tribunal. So far it has reached over 8,900 people. The project has been continuously and generously supported by the Ministry of Foreign Affairs of Finland.

Since the project began, three series of lectures and presentations have been conducted throughout BiH, Croatia, the FYROM, Kosovo, Montenegro and Serbia to facilitate greater understanding and discussion amongst young people in the region about the importance of accountability and the rule of law.

Over the course of the project, Outreach representatives have visited 140 high schools in BiH, Croatia, Kosovo, Montenegro and Serbia. More than 4,800 high school students participated in the programme and students were briefed on the role, mandate and major achievements of the ICTY. Specific cases relevant to certain communities were also discussed.

As part of the ICTY Youth Outreach Project, University students were also invited to attend lectures about the Tribunal's mandate and cases. As of December 2015, 84 lectures have been delivered at universities

across BiH, Croatia, the FYROM, Kosovo, Montenegro and Serbia reaching more than 4,000 students. Law, political science and philosophy students have attended lectures and discussions on topics including inter alia sexual violence, the notion of command responsibility, transitional justice and post-conflict reconciliation.

During the university presentations, students were encouraged to ask questions and contribute to discussions. Multimedia such as video footage from the Tribunal's proceedings, statements of guilt and testimonies from victims and witnesses stimulated debate. Information materials on the Tribunal's cases were also distributed to allow students to become familiar with its findings.



I learned today that war crimes trials are extremely valuable for a number of reasons. Amongst others, the two main reasons relate to the past and the future. The past concerns the victims, their families and friends who should be provided with redress and protected from the discourse of denial. The future concerns us, young people, who must not generalise, but rather should treat criminals as individuals who do not represent entire ethnic groups.

Student Sara Hodžić, Second Gymnasium, Sarajevo, BiH.



I see the greatest benefit of these lectures in the fact that the students got an insight into the work of the international criminal tribunals from the perspective of the legal profession, devoid of the political context through which the public frequently receives information and which creates perceptions about adjudication in the international criminal context.

Antonija Krstulović Dragičević, PhD, Lecturer, Split Law Faculty, Croatia.

Donor statement



Finland has been a long-standing supporter of the ICTY's Outreach Programme, and of the Youth Outreach Project in particular. The global fight against impunity for the most serious international crimes is one of our foreign policy priorities, and the ICTY's contribution to this field, as well as in the development of international criminal law, is uncontested. As the Tribunal is nearing the completion of its mandate, it is essential to cherish and protect its legacy among the peoples of the former Yugoslavia.

Finland has supported the Outreach Programme because we believe that effective outreach is an essential part of the work of any international tribunal. It is important that the work of the ICTY and its contribution to the restoration of peace and justice is understood in the affected communities and preserved for future generations. We believe that working with the local youth is particularly effective to this end. We are confident that today's students – who are to be tomorrow's leaders - will be open-minded and objective about the conflicts of the past. We commend the ICTY team who, despite limited resources, have found innovative ways of connecting with the young generation through, for example, digital communications. The implementation of the Youth Outreach project has exceeded all our expectations as a donor.

Finland is pleased to continue the collaboration with the Outreach Programme in 2016. It is important to see the countries of the Western Balkans addressing historical injustices and promoting the rule of law and human rights, while taking steps towards a brighter future. The Outreach Programme continues to play a central role in helping to pursue that objective.

Päivi Kaukoranta

Director General, Legal Service
Ministry for Foreign Affairs of Finland

Project evaluation

Young people showed great interest in receiving information about the work of the Tribunal, the crimes that took place during the wars of the 1990s and efforts to bring to justice those allegedly most responsible for those crimes.

Evaluations of the presentations indicated that over 70 per cent of students reported that they learnt something new about the Tribunal and its work and more than 90 per cent were of the opinion that alleged war criminals should be held accountable regardless of the position they hold.

Students' understanding of the Tribunal's Rules of Procedure, which combine both common and civil law practices, was also enhanced by participation in the lectures.

Feedback from university lecturers indicated that the ICTY and its jurisprudence needed to be readily available and presented in a more accessible manner.



As part of his visit to BiH in November 2014, former ICTY President, Judge **Theodor Meron**, met with high school students and teachers from Sarajevo's Second Gymnasium to express his appreciation for their participation in the ICTY Youth Outreach Project.

Judge Meron spoke to students about the importance of education and how it can shape the Sarajevo high school students' future - *"I feel incredible energy coming here, and it makes me believe that your country can build a positive future, thanks to your talents, drive and vitality."*



Ensuring sustainability

The Youth Outreach Project involves cooperation with numerous stakeholders in the region ranging from government ministries to NGOs.

During 2013-2014, formal partnerships were established with regional NGOs who were trained to deliver presentations about the work of the Tribunal.

In Kosovo and Croatia the Youth Initiative for Human Rights (YIHR) was selected,



and in BiH the Helsinki Committee for Human Rights in Republika Srpska was chosen.



Training of high school teachers

In October 2014, the Outreach Programme held a pilot workshop for teachers from five high schools in Sarajevo. The aim of the workshop was to enable teachers to provide information about the work of the Tribunal to their students independently of the ICTY's representatives. They encouraged the use of multimedia and interactive materials developed by the Outreach Programme.

A total of seven presentations by the five newly-trained teachers were organised for 275 high school students in six schools throughout the Sarajevo Canton, BiH.

Study visit of university lecturers

A group of five university lecturers from faculties in BiH, Croatia, Kosovo and Serbia travelled to The Hague for an intensive two-day study visit in December 2014.

The aim of the visit was to provide the academics with first-hand experience and information about the work of the Tribunal in order to encourage inclusion of ICTY jurisprudence in legal education in the region.

The visitors met with ICTY Judges and staff and were given a series of presentations on various topics including ICTY sentencing practice, the concept of joint criminal enterprise and the prosecution of sexual violence.

The study visit also included a roundtable discussion about the inclusion of ICTY jurisprudence in university legal education in the region. Outreach has now approached several universities in the region to facilitate closer cooperation in order to encourage the inclusion of ICTY jurisprudence in legal education and to promote the sustainability of the project.





Our Tribunal

Over 130 high school students from across BiH took part in the inaugural essay-writing competition organised by Outreach in 2013. The competition was part of the Youth Outreach Project and the call for submissions was sent to nearly every high school in BiH. Young people were asked to share their thoughts on the topic: “Should we hold trials for war crimes committed during an armed conflict?”

The five best essays, together with the drawings submitted by BiH elementary school children were published in the Outreach publication *Our Tribunal*.

The essay-writing competitions were designed to facilitate debate and encourage young people to voice their opinions about the work of the ICTY and its relevance to their communities, and to stimulate critical thinking about the conflicts that took place in the region in the 1990s.

I think it is very important for my generation to end the code of silence and to speak up about the events of the wartime past and their tragic consequences, which are still part of our lives and to a great extent determine our future. Youth cannot be an excuse for a lack of interest or passivity in the process of facing up to the past. We have to be open to listening to others, sensitive to the problems of victims marginalised by society, willing to ask unpleasant questions and persistent in getting honest answers.



Maja Graca, high school student, winner of the 2013 essay-writing competition, *Meša Selimović* Gymnasium, Tuzla, BiH.



Regional Internship Programme

Sharing knowledge with youth in the region

In 2007, in collaboration with the Youth Initiative for Human Rights, Outreach established the Regional Internship Programme. The Programme ran for five consecutive years and enabled students and young professionals from the former Yugoslavia to gain direct insight into the work of the Tribunal.

During the five-year programme, more than 30 students with different educational backgrounds from across the region of the former Yugoslavia came to The Hague for Outreach-supported internships. The programme involved a five-month internship at the ICTY's headquarters and a three-month internship either at a national war crimes court, national prosecutors' offices or with local organisations working on war crimes-related issues.

After completing their internships at the ICTY, interns took part in follow-up activities organised by the Youth Initiative for Human Rights (YIHR), a local NGO. These

included presenting a series of lectures on the ICTY's work to their peers and critically discussing trials of international war crimes.

A number of interns who completed the Regional Internship Programme are now working for national courts, prosecutors' offices, organisations such as Impunity Watch and the Humanitarian Law Centre, or pursuing academic careers in international humanitarian law.



Interns at the ICTY, 2011.

Study visits to the Tribunal

Helping students understand the work of the ICTY

Over 15 years, more than 105,000 students have had the opportunity to personally visit the ICTY and a significant number of them have been from the former Yugoslavia.

The organisation of tailor-made study visits for students, including students from the former Yugoslavia, has been one of the most important activities of the ICTY Outreach Programme. Thousands of study visits have taken place since 2000.

More than 105,000 students have had the opportunity to learn first-hand about the work of the Tribunal and interact with professionals and experts directly involved in the prosecution of war crimes.

The visits provided students with an insight into the mandate of the ICTY, its contribution to international criminal justice and the key projects and results of the ICTY Outreach Programme. Students were also given the opportunity to watch ICTY trials.



Law students from BiH

A one-day visit of 46 students and professors from the Law Faculty of the University in Tuzla, BiH, provided Bosnian students with the opportunity to meet a Tribunal judge and staff members. The group further explored some of the issues related to international justice that they had encountered at law school.

Judge Christoph Flügge spoke to the group about different aspects of his role as a judge at the ICTY. There were also presentations exploring the prosecution of war crimes and the legal concepts of joint criminal enterprise and command responsibility.



Serbian students of political science

A group of 50 students from the Faculty of Political Sciences in Belgrade, Serbia came to the ICTY for a one-day visit. The group was briefed on the history of the Tribunal, the Tribunal's contributions to the system of international criminal justice, the role of national courts in prosecuting war crimes in the former Yugoslavia, and on the latest development in the cases currently on trial at the ICTY.

The group concluded the visit by attending the trial proceedings of Radovan Karadžić and Vojislav Šešelj.



Croatian law students

A group of 18 law students from Rijeka, Croatia came to the ICTY for a one-day visit and were given a presentation on the structure, mandate and contributions of the Tribunal to international criminal law.

Students actively participated in the presentations and concluded their discussions by expressing the view that the region of the former Yugoslavia could only reconcile itself with its past if people first accepted what had happened and cooperated to ensure that such events are not repeated.

Cooperation with youth organisations

Engaging in dialogue with young people in the region

The ICTY Outreach Programme has established strong working relations with regional youth organisations that are active in the field of transitional justice. Outreach staff have held over 100 lectures, training sessions and debates in partnership with youth organisations throughout the former Yugoslavia.

Through events organised in collaboration with youth organisations, ICTY staff have raised young people's awareness about the importance of the rule of law in post-conflict societies by informing them about the Tribunal's work, its key findings and its completion strategy.

Discussions have also been held on issues such as the mitigating and aggravating factors considered during the sentencing of convicted persons and the future of war crimes prosecutions in the region.



Support for *Model International Criminal Court* project

The Model International Criminal Court – Western Balkans (MICCWeB) is a regional youth project that was supported by Outreach. It was implemented in BiH, Croatia, and Serbia and brought together high school students for a moot court that simulated the work of the international criminal tribunals. The BiH Outreach representative held presentations on the Tribunal's work for participants based on an extensive collection of ICTY materials provided by the Outreach programme, and organised a guest lecture by a witness who had testified before the Tribunal.

When evaluating cooperation with the Outreach Programme, Maja Nenadić, MICCWeB Project manager said:

'The Outreach representative in BiH held engaging, information-packed, and intellectually and emotionally stimulating presentations on the work of the Tribunal. Students and teachers undoubtedly acquired a more nuanced understanding of the ICTY's role in transitional justice and its role in helping us to face our history.'

One of the most important achievements of the Tribunal's Outreach Programme in Serbia has been its contribution to youth education programmes. For example, the training provided by Outreach to activists in the Young Justice Advocates programme had a profound impact on their thinking, inspiring them to launch workshops and activities across the country where they spread awareness about the Tribunal's work to thousands of young people.

Andrej Nosov, former Executive Director of the Youth Initiative for Human Rights in Serbia.

There is a maxim that one should help those who are being wronged, but also the wrong-doers.

If we ask ourselves ‘How can we help the wrong-doers?’ The maxim says, by preventing them from wronging.

Melika Jelovac, Second Gymnasium, Mostar.

It somehow seems to me that everybody supports prosecution of war criminals declaratively, but when the turn comes for our crimes and criminals; well, that’s where law and justice end.

In that sense, I don’t think there is any difference among countries - be they the most democratic or non-democratic, the strongest or the weakest - crimes and criminals in one’s own ranks are somehow always protected.

Mubera Hafizović, Musa Ćazim Ćatić Gymnasium, Tešanj.

The sanctions for war crimes, which must not lapse, are headstones over the graves of victims, moral satisfaction for the survivors, the resounding refusal of human civilisation to accept divisions along national, religious or political lines.

Teo Raspudić, Third Gymnasium, Sarajevo.



Community

outreach



The ICTY's Outreach Programme has been at the core of the Tribunal's relationship with the states of the former Yugoslavia. Established with the aim of bringing the Tribunal's work closer to the people most affected by it – the citizens of the former Yugoslavia – Outreach facilitates dialogue between the region and the ICTY.

Over the 15 years since the creation of the programme, Outreach representatives have organised and participated in hundreds of community-building events that reached a large number of people in the region. These events included conferences, roundtables, seminars and symposiums.

One of the most far-reaching events was the conference series *Bridging the Gap between the Tribunal and communities in BiH* held in five BiH towns during 2004 and 2005. The conferences assembled more than 500 members of the local communities, including victims' associations, representatives of governmental and non-governmental institutions and legal and law enforcement agencies. These conferences were repeated in Belgrade during 2006, 2007 and 2008 and reached over 800 people.

From 2010 onwards, with an increasing focus on securing the ICTY's legacy, a series of conferences was convened to stimulate stakeholder discussions on the Tribunal's impact in the former Yugoslavia and beyond. These events took place in The Hague in 2010 and 2011, in Zagreb in 2012, and in Sarajevo in 2012 and 2013.

Hundreds of participants from the former Yugoslavia and around the world engaged in dialogue on a wide range of topics, including the Tribunal's contribution to international law and its impact on the citizens of the former Yugoslavia, the keeping of archives and records as well as the Tribunal's role in transitional justice in the Balkans.

Through participation in conferences, presentations and meetings, Outreach staff and other ICTY representatives engaged with local community leaders, NGO representatives and victims' groups. By organising events in the region, Outreach aims to ensure that victims are kept abreast of major trial developments and understand the Tribunal's work. Visits to the Tribunal are also organised, such as the one by family members of Srebrenica victims who came to witness Ratko Mladić's first appearance. These activities highlight the importance that the Tribunal places on an open relationship with victims from all sides of the conflict.

As the Tribunal approaches the end of its mandate, work is in progress to install a local repository of its archives in the region of the former Yugoslavia. In 2011, Outreach conducted a broad consultation process among the NGOs and victims' associations to canvas their views on establishing information centres in the region. Current efforts are focused on BiH where the first centre will be established.

Conference series

Bridging the Gap with local communities

In one of its most significant initiatives with local communities in the former Yugoslavia, the Tribunal implemented an innovative series of conferences entitled Bridging the Gap between the ICTY and communities in BiH.

One-day conferences were held in 2004 in Brčko, Foča and Konjic, and in 2005 in Srebrenica and Prijedor, where crimes under the Tribunal's jurisdiction had been committed. They included comprehensive presentations by senior Tribunal staff directly involved in the investigation, prosecution and adjudication of the alleged crimes.

The conferences enabled the Tribunal to present a direct account of its activities to the people most affected by the crimes at the heart of its work.

Local community leaders, victims, returnees, legal professionals, law enforcement personnel, journalists, scholars and other members of the public were able to hear first-hand about the Tribunal's work and ask questions about it. More than 500 people in BiH attended these events.

The same conferences were held in

2006, 2007 and 2008 in Belgrade, Serbia, drawing an audience of over 800 people.

During these conferences, ICTY representatives provided information on the context of their work, the collection of evidence and the findings in relevant cases and judgements. They highlighted communities' expectations that those accused should face justice and that national authorities should play their part in re-establishing the rule of law.

For this reason, these conferences have become a benchmark for events showcasing the judicial accountability of international tribunals and explaining their work to the communities affected by international crimes.

The conferences in BiH were organised in cooperation with the Helsinki Committee for Human Rights in Republika Srpska and

generously supported by the *Neighbourhood Programme* of the Danish Ministry of Foreign Affairs and the United Kingdom Foreign and Commonwealth Office.

The conferences in Belgrade were organised in cooperation with the Serbia-based NGO Humanitarian Law Centre.



Conferences proceedings are published in the *Bridging the Gap* publications series.



Bridging the Gap: Brčko



The first in the series of *Bridging the Gap* conferences was held in Brčko on 8 May 2004. Senior officials, including former Deputy Registrar David Tolbert, described their work on the Brčko cases. Multimedia presentations guided the audience through the stages of the investigation, from visits to the crime scenes and interviews with witnesses to the analysis of forensic and other evidence. Key trial moments and details of the most compelling evidence were also covered before the presentations concluded with details of the final judgement.

The reactions of the audience highlighted the need to persist with efforts to bring to justice perpetrators of all crimes, regardless of the nationality of the victims or the accused. One of the panellists, Branko Todorović, President of the Helsinki Committee for Human Rights in Republika Srpska, concluded the conference by stating: *'If I should try to formulate the message from all of us here today to everyone in Brčko, not only to the families of the victims, that message would be that we wish good to triumph over evil. We want the rule of the law and we want punishment for war criminals, with no interference from politics, no focusing on narrow-minded interests, no entrenchment on any side.'*

Tribunal representatives reiterated their willingness to continue to do all within their power to assist national authorities in bringing further prosecutions.

Bridging the Gap: Foča



The Foča conference was held on 9 October 2004 and attracted more than a hundred members from the local community. Senior officials described their work on the cases, providing the audience with in-depth insight into all the key stages of the judicial process, from the initial investigations to the final judgement.

The conference enabled the Tribunal to provide the Foča audience with a comprehensive picture of its activities in relation to allegations of serious violations of international humanitarian law perpetrated in the area during the armed conflict of 1992-1995. Discussions focused on the cases of Dragoljub Kunarac *et al.* and Milorad Krnojelac.

In all of the presentations, ICTY representatives echoed Bosnian public sentiment as participants called on local authorities to conduct their own investigations and bring additional charges against those accused of the many crimes committed in the Foča region. One of the panellists, Senior Trial Attorney Hildegard Uertz-Retzlaff stressed that *'The Tribunal can only deal with a relatively small percentage of crimes that were committed. It is up to the authorities of the successor states of the former Yugoslavia, namely the local police and the local prosecutors and judges, to follow up on the rest of the crimes.'*





Bridging the Gap: Konjic



The Konjic conference was held on 20 November 2004 and provided an overview of the indictment issued in the Čelebići case, the trial proceedings in The Hague and the findings established by the Tribunal. The conference enabled the Tribunal to provide key audiences – victims’ associations, municipal authorities, judicial officials, as well as local politicians and civil society representatives – with a comprehensive picture of the Tribunal’s activities in relation to allegations of serious violations of international humanitarian law in the area during the 1992-1995 armed conflict.

After the conference, representatives of victims’ groups indicated that one of the main achievements of the event had been to declare publicly and authoritatively that crimes had indeed been committed and that they could no longer be denied.

The audience likewise highlighted the need to persist with efforts to bring to justice perpetrators of all crimes, regardless of the nationality of the victims or the accused. The event was widely covered in the BiH media.



Bridging the Gap: Srebrenica



The fourth in the series of *Bridging the Gap* conferences was held in Srebrenica on 21 May 2005. Current and former ICTY officials presented their work on the crimes in Srebrenica to an audience of approximately 100 people. The cases which had been completed at that time – those of Radislav Krstić, Dražen Erdemović and Dragan Obrenović – were discussed and presented to the audience.

In relation to the Krstić case, Prosecutor Mark Harmon explained how the Prosecution had proved that genocide had been committed in Srebrenica and that General Krstić had been one of the individuals, personally responsible for the crime. Chef de Cabinet Gabrielle McIntyre explained that a judge’s role in the adversarial legal system was essentially to act as an arbiter of facts after having heard the case by the Prosecution and the Defence’s response. *“The burden is on the Prosecution to satisfy the judges beyond reasonable doubt that the accused is guilty of the crimes that the prosecution alleges,”* explained McIntyre.

In relation to the Krstić case, Chef de Cabinet said that the trial judges were satisfied that General Krstić had participated in a joint criminal enterprise to commit genocide against the Bosnian Muslims in Srebrenica. She added that Radislav Krstić had been found guilty of aiding and abetting genocide, violations of the laws or customs of war and crimes against humanity, and had been sentenced to 35 years’ imprisonment.

During the conference, panellists explained each stage of the judicial process in the Srebrenica-related cases as well as the facts that had been established by these completed trials.



Bridging the Gap: Prijedor

The fifth in the series of *Bridging the Gap* conferences was held in Prijedor on 25 June 2005. Senior Tribunal staff gave detailed presentations and made extensive use of video footage and photographs that had been presented as evidence.



Opening remarks on behalf of the Tribunal were given by the former Registrar, Hans Holthuis: 'Prijedor has a special significance for the ICTY. In many respects, this is where the Tribunal's origins lie. In the summer of 1992, images from the detention camps near here were spread throughout the world, causing shock and disbelief. The reaction of the world public was a significant element in the process that ultimately led the UN Security Council to establish an international criminal tribunal to prosecute and try war crimes committed in the former Yugoslavia.'

The conference focused on six cases in which final judgements had been rendered and provided the audience with details of the proceedings before the Tribunal.

Ann Sutherland, a Trial Attorney in the Office of the Prosecutor, addressing the audience at the end of the conference, stated: 'If anybody in this room knows someone who has information about the whereabouts of mass graves, please make that information available, anonymously if necessary. Victims and the families of victims need closure. Some graves will never be found, but let us hope the majority can be found soon.'

The conferences were very important for the victims and their families. This was the first time that in Brčko, Srebrenica, Prijedor, Foča and Konjic a concrete and reasoned discussion took place about the crimes committed and the judicial response to them, in front of the victims and their neighbours. Interestingly, the number of participants surpassed the planned attendance of 50 to 60 attendees, with over 200 attendees in Prijedor. It was impossible to ignore the need and the willingness of the families of the victims to take part in the conferences. In a way, this public presentation of the court cases provided a significant satisfaction for the victims, especially in the communities where the truth was for the most part hidden, relativized, minimised, denied and even falsified. During the conference participants were faced with arguments, facts, evidence and witness statements. And the value of these arguments could not be ignored nor questioned by anyone.

At the same time, these conferences gave a certain admonition as well as an incentive to the members of the Bosnian judiciary and law enforcement agencies who were present. The message was that they have to do more, so the accomplices in these crimes, whose crimes were unquestionable, get arrested and tried. Soon after the conferences in Foča and Konjic, some of the criminals were arrested and tried before domestic judicial institutions.

Branko Todorović, former President of the Helsinki Committee for Human Rights in Republika Srpska, coorganiser of the *Bridging the Gap* conference series.

ICTY conferences

Discussing the Tribunal's legacy

In order to foster discussion on the ICTY's impact, the Tribunal organised a series of legacy conferences. The events took place in The Hague in 2010 and 2011, in Zagreb in 2012 and in Sarajevo in 2012 and 2013.

Participants from the former Yugoslavia and several other countries gathered to discuss a wide range of topics, including the Tribunal's contribution to international law, archives and record keeping and the Tribunal's role in transitional justice in the Balkans.

Following the events, conference transcripts and videos were made available online to ensure worldwide access to the informative debates that had been held.

The conferences were organised by the Tribunal's Outreach Programme with support from the ICTY President's Office. They were also made possible by generous donations from the European Union, the Governments of the Netherlands, Switzerland, Luxembourg and the Republic of Korea, the Municipality of The Hague, the Open Society Justice Initiative and the Sanela Diana Jenkins Human Rights Project at UCLA School of Law.

2010: Assessing the Legacy of the ICTY



The Tribunal convened a two-day conference entitled *Assessing the Legacy of the ICTY* in The Hague on 23-24 February 2010. The Conference was co-organised and co-sponsored by the Government of the Netherlands and the Sanela Diana Jenkins Human Rights Project at UCLA School of Law.

Inspired by broader UN efforts to coordinate rule of law activities and by the interest expressed by governments, policy-makers and academics, the conference provided a platform for the Tribunal and relevant stakeholders to share their respective views of the Tribunal's legacy. It explored how to utilise the Tribunal's legal and institutional legacies as well as how to exchange information about the legacy work by the Tribunal, other UN and international organisations, national governments and courts, NGOs and academics.

Approximately 400 people participated in the Conference. These included stakeholders from the former Yugoslavia, officials from the Tribunal's Chambers, Registry and the Office of the Prosecutor, justice ministers and other government officials from Europe, civil society representatives, lawyers and academics. The working sessions followed a panel discussion format to encourage open dialogue, with opportunities for the audience to put questions to the panellists.



The Hague, 24 February 2010.

2011: ICTY Global Legacy



The Tribunal convened a two-day conference entitled *The Global Legacy of the ICTY* in The Hague on 15 and 16 November 2011. It assembled leading academics, international judges and practitioners, state representatives, and members of civil society to explore the impact of the Tribunal's work on international humanitarian law and international criminal procedure, as well as the potential of its jurisprudence to shape the future of global justice and the advancement of human rights. The Conference was co-sponsored by the Governments of The Netherlands, Luxembourg, Switzerland, and the Republic of Korea, as well as the Municipality of The Hague and the Open Society Justice Initiative.

Over 350 people participated in the Conference, which consisted of four panel sessions over two days. The working sessions followed a panel discussion format to encourage open debate. Each panel was composed of Tribunal Judges, academics and practitioners in international human rights, humanitarian and criminal law, government representatives and UN officials.



Sarajevo, 6 November 2012.



Zagreb, 8 November 2012.



Sarajevo, 27 November 2013.

2012: Legacy of the ICTY in the former Yugoslavia



In November 2012, as part of its efforts to encourage dialogue on its legacy in the former Yugoslavia, the ICTY convened two conferences in BiH and Croatia. The first conference was held in Sarajevo on 6 November and was followed by a second conference in Zagreb on 8 November.

The conferences enabled more than 300 regional stakeholders to engage in discussions about the Tribunal's role and legacy in the region. Topics addressed included the Tribunal's contribution to transitional justice, its role in helping communities come to terms with past conflicts, and the ways in which its legacy can remain relevant to the citizens of the former Yugoslavia who are most directly affected by its work.

Each conference promoted a wide-ranging debate among the panellists about issues specific to each country. The conclusions drawn from the conferences dealt with the Tribunal's impact on efforts to define international crimes in national criminal law and the importance of making its public material accessible to the affected communities in the future.

The impetus behind these conferences originated in the two previous legacy conferences held at the initiative of the then ICTY President Judge Patrick L. Robinson. Participants underscored the pressing need for holding discussions in the former Yugoslavia on the Tribunal's achievements and its legacy in the region.

The conferences were made possible through the generous support of the European Union and the Governments of The Netherlands and Switzerland.

2013: Marking the 20th Anniversary of the Tribunal



As part of events organised during 2013 to mark the Tribunal's twentieth anniversary, the Outreach Programme, working under the auspices of the Office of the President, convened a two-day conference in Sarajevo, BiH in November that year.

Over 200 local and international stakeholders gathered to debate and discuss aspects of the Tribunal's legacy in the former Yugoslavia. With the participation of the President Judge Theodor Meron, it was the crowning event of the 20th anniversary activities held throughout the year.

The gathering consisted of one day of working-level meetings, which was followed by a day of panel presentations and discussions with the public. Topics addressed included the Tribunal's overall accomplishments and the challenges that it had encountered, its contribution to the promotion of the rule of law in the region, the mechanisms for victim and witness protection in war crimes trials, as well as the importance of regional access to the Tribunal's archives.

In addition to high-level representatives of the Tribunal, participants included the Bosniak Representative of the BiH Presidency Bakir Izetbegović, President of the BiH Court Meddžida Kreso, Serbian War Crimes Prosecutor Vladimir Vukčević, Director of the International Commission on Missing Persons in BiH Kathryn Bomberger, founder of the Humanitarian Law Centre Nataša Kandić, the Mayor of Sarajevo Prof. Dr Ivo Komšić, Nikica Hamer Vidmar from the Croatian Ministry of Justice, ambassadors, academics and experts on transitional justice, representatives of victims' associations, domestic authorities and human-rights NGOs, as well as other stakeholders from the former Yugoslavia.

The conference was made possible through the generous support of the European Union, the Governments of Switzerland, Luxembourg, the Netherlands, and the Republic of Korea, and the Open Society Justice Initiative.

Reaching out to victims' representatives

Addressing victims' concerns and sharing information

Communicating with victims from the former Yugoslavia is at the core of Outreach's work. Senior ICTY officials and Outreach representatives have met with victims in the former Yugoslavia on numerous occasions and welcomed delegations of victims' representatives to The Hague. In addition, staff and Outreach representatives have participated in a wide range of activities organised by victims' associations.

Senior ICTY officials have made dozens of visits to the region of the former Yugoslavia since its creation. Alongside their meetings with regional government and judicial officials, they also met with representatives from victims' groups and associations. Such meetings enabled Tribunal officials to be apprised of victims' concerns and update them on the latest developments in the relevant cases.

Successive Presidents of the Tribunal have visited memorials and sites of suffering for victims from all sides of the Balkan wars and have made the most of these opportunities to meet with victims in person. The Tribunal has been represented at the commemoration ceremony marking the anniversaries of the Srebrenica genocide and several Presidents have had the honour of addressing attendees at these events.

Outreach has regularly hosted victims' delegations at the Tribunal

to enable them to follow key stages of proceedings such as initial appearances and judgments. Outreach ensured that victims and their families were well looked after, accompanying them during their visits and reserving their seats in the public gallery to view proceedings. Meetings were also organised with ICTY senior officials in order to update the delegations on cases of relevance to them.

Additionally, Outreach representatives participated in more than 50 different events organised by victims' associations. During these events, they explained the Tribunal's work and passed on current information on proceedings related to crimes that had been committed against the communities in question.

ICTY President visiting mass grave and former camp in BiH

On 25 and 26 November 2013, former ICTY President Theodor Meron travelled to Prijedor to visit the recently discovered Tomašica mass grave, thought to be the largest mass grave in BiH. It contained hundreds of bodies of people allegedly killed by Bosnian Serb forces in the summer of 1992.

During Judge Meron's visit, exhumations were still in progress. 'It was very difficult for me to speak at this place, where one stands face to face with the horror a man can do to another man,' he said after the visit. The then President also visited the former detention camp in Omarska, accompanied by a group of former inmates who told him about their days of suffering as prisoners there.

In addition, Judge Meron met with members of victims' associations from all ethnic groups in Prijedor. The representatives discussed memorialisation issues, the importance of the Tribunal's findings for local communities and their perceptions about the Tribunal's work. The representatives also underlined the importance of the visit for them, as it was the first time that an ICTY President had spent time in Prijedor.



Cooperation with the HLC

Archiving ICTY proceedings in the languages of the region

In order to ensure that the communities of the former Yugoslavia have immediate and long-term access to the Tribunal's public records in the regional languages, in 2005 the Outreach Programme started working on an archiving project with the Serbian-based Humanitarian Law Center (HLC) NGO.

The project's aim is the creation of a digital mirror-archive of the Tribunal's trial-related public materials to be located in the former Yugoslavia, including AV recordings of trial sessions, in the languages of the region. Since the project was launched, the HLC's Archive Transfer Team based in The Hague has copied more than 95 per cent of Tribunal's public archive.

The Outreach Programme recognised the importance of making trial-related AV recordings, transcripts and documents available in the regional languages and supported the implementation of the HLC's archiving project. The HLC's Archive Transfer Team was provided with office space in the Tribunal's lobby as well as some of the equipment necessary for recording and copying. The team was given access to all public AV recordings as well as public documents presented in proceedings before the ICTY.



Humanitarian Law Center

To date, the HLC team has copied AV recordings of over 9,300 days of trial sessions held before the ICTY and more than 115,000 public documents such as exhibits, submissions, witness statements and Trial Chamber decisions.

Using the AV trial recordings, the HLC central office in Belgrade has produced in Bosnian, Croatian and Serbian (B/C/S) transcripts of six ICTY trials. Upon completion, the transcripts are then published and made available to victims and their families, staff of the national war crimes courts, lawyers, journalists, academics and the wider public

in the countries of the former Yugoslavia. The mirror archive has been extensively used to facilitate the prosecution of war crimes before the national courts in the region as well as for various transitional justice projects.

This project forms part of broader efforts by the HLC to create a database of war crimes and human rights abuses committed during the conflicts in the former Yugoslavia. The database will serve those prosecuting war crimes in the national courts and will be a valuable independent source of information for researchers and future generations.

Transcripts of the Slobodan Milošević trial

The HLC has produced and published complete transcripts of the trial of Slobodan Milošević in 45 volumes. This has enabled the public in the former Yugoslavia to discover more about the crimes contained in the indictment against the former president of the Federal Republic of Yugoslavia and about the evidence presented both by the Prosecution and by Milošević himself.



Capacity

A black and white photograph showing two people in business attire shaking hands over a folder. The person on the left is wearing a dark suit jacket with three buttons on the cuff. The person on the right is wearing a light-colored, patterned shirt. The folder is held between them, and their hands are clasped over it. The word "Capacity" is overlaid in a large, bold, yellow font on the right side of the image.

building



The ICTY was mandated by the UN Security Council to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. However, it was not envisaged to have exclusive jurisdiction over such crimes. Rather, as an *ad hoc* institution, the Tribunal would complement the role of domestic courts in the prosecution of these crimes while focusing its efforts on a limited number of cases.

The need to strengthen the interaction between the ICTY and the domestic courts in the region became more urgent in the early 2000s when the Tribunal's Completion Strategy was being discussed. As a result, in 2003, the UN Security Council adopted Resolution 1503 calling on the international community to assist national judiciaries in improving their capacity to prosecute cases transferred from the Tribunal. Since then, the ICTY and its Outreach Programme have accelerated the transfer of expertise to legal professionals and institutions handling war crimes cases in the region by organising various professional development and study visits, peer-to-peer meetings, round tables, workshops, seminars as well as training events. It is estimated that these activities have provided support to over 8,000 judges, legal professionals and other regional stakeholders by facilitating their access to information and encouraging the exchange of knowledge and best practices.

Following the establishment of special war crimes chambers in BiH, Serbia and Croatia, the Tribunal has sought to strengthen the capacity of these new institutions to adjudicate war crimes cases. Across the region,

the training of legal professionals and witness support staff by their ICTY counterparts has facilitated the implementation of international standards within the local judiciaries. Of all the ICTY's capacity-building activities, the War Crimes Justice Project (WCJP) implemented by the Office of the President deserves particular mention. Funded by the European Union, the WCJP was implemented during an 18-month period in partnership with the Organization for Security and Cooperation in Europe's Office for Democratic Institution and Human Rights (OSCE/ODIHR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and the OSCE's regional field operations. The WCJP covered 14 different focus areas, including peer-to-peer meetings, specialised training for legal professionals as well as the production of key trial transcripts in B/C/S. The project further supported national judiciaries by hiring young professionals in the region and producing legal materials, manuals and online learning portals.

The ICTY and the Outreach Programme will continue to work with regional and international partners to ensure that its best practices, expertise and knowledge developed over the years remain accessible after the closure of the Tribunal. Indeed, the ability of domestic courts to adjudicate war crimes cases in accordance with the highest international standards is regarded by the Tribunal's leadership as one of the cornerstones of the organisation's legacy.

War crimes justice project

Sharing the Tribunal's expertise with the region

Under the War Crimes Justice Project, the ICTY, OSCE/ODIHR and UNICRI formed a partnership to promote the transfer of know-how and materials from the ICTY to national jurisdictions in the former Yugoslavia. The project, funded by the European Union and launched in May 2010, was implemented under the auspices of the Office of the President over a period of 18 months.

The project was preceded by a nine-month needs assessment conducted jointly by the ICTY, the OSCE/ODIHR and the UNICRI, in close consultation with legal practitioners. A report published in 2009 identified areas where national legal systems could benefit from assistance in dealing with an increasing number of war crimes cases. All project components were tailored to respond directly to the immediate needs identified by the national judiciaries of the region.

The project activities included the production of 60,000 pages of transcripts of ICTY proceedings in B/C/S, the translation of more than 175,000 words of the ICTY's Appeals Chamber Case Law Research Tool as well as the development of training material on international criminal law and international humanitarian law.

The project featured a strong hands-on approach, providing

training to regional legal practitioners in supporting witnesses, using the ICTY Court Records database and filing requests for assistance from the Tribunal. As part of the project, legal support staff was made available to assist national judiciaries in handling war crimes cases. Furthermore, a series of peer-to-peer meetings were organised between ICTY officials and legal practitioners from the region.

The efforts of the Tribunal and its WCJP partners have had a positive impact on the handling of war crimes cases by national judiciaries in the region.

200,000 words of the B/C/S version of the Appeals Chamber Case

Law Research Tool database now available on the ICTY website

60,000 pages of ICTY court hearing audio material transcribed into

B/C/S and available in the ICTY Court Records database and on the ICTY website

18,500 transcript pages in B/C/S delivered to regional

judiciaries

157 legal professionals from the region attended training on

searching and accessing publicly available ICTY material

The great importance of the War Crimes Justice Project is that it has covered many issues and succeeded in providing very practical support to judicial institutions. Enhancing the capacity of the institutions which are prosecuting war crimes, exchanging experiences between judicial officials from the region and the ICTY, and transferring relevant material from the ICTY are tools that help resolve the outstanding issues in this field more efficiently.

Judge **Meddžida Kreso**, President of the Court of BiH.



Production of ICTY trial transcripts in the regional languages

Until 2010, ICTY trial transcripts were only available in English and French, the official languages of the Tribunal. The production of these transcripts, identified as one of the top priorities in the lead up to the conclusion of the Tribunal's mandate, formed one of the key elements of the WCJP as it provided legal practitioners from the region with direct and enhanced access to witness testimonies.

The Tribunal produced verbatim transcripts in B/C/S of hearings identified by national judiciaries to be of most significance to proceedings before their domestic courts. Ultimately 60,000 pages of transcripts were handed over to various judicial bodies in the region, as requested.

In order for this vital information to remain accessible not only to legal practitioners, but also to the public in the future, all of the transcripts in B/C/S are readily available and searchable on the ICTY website.

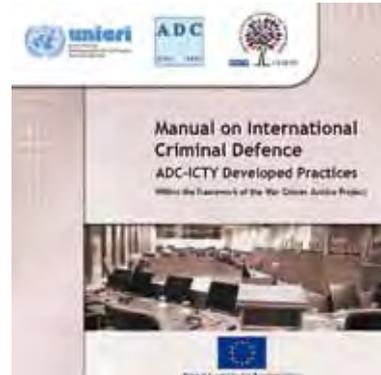
Training and peer-to-peer sessions

As part of the WCJP, the ICTY trained 157 people in 32 sessions held in six national jurisdictions in the former Yugoslavia. The training offered the opportunity to hear about the experience of the ICTY and was instrumental in facilitating a higher level of direct cooperation between the Tribunal and judiciaries dealing with war crimes cases brought before domestic courts.

The topics covered in training included 'how-to' sessions on researching the ICTY Court Records and Appeals Chamber Case Law Research Tool databases as well as specific guidelines, such as submitting requests for legal assistance or for a variation of protective measures under Rule 75 (H) of the Tribunal's Rules of Procedure and Evidence.

The WCJP also organised peer-to-peer meetings of ICTY judges and prosecutors with their counterparts from the region. Sharing their experiences of prosecuting and adjudicating war crimes cases has helped to foster a spirit of collegiality and has led to enhanced cooperation.





A new learning tool



As part of the project, new training materials on international criminal law and practice were produced in partnership with the region's national judicial and prosecutorial training institutions.

The training materials are practice-oriented and intended to serve primarily as a tool and resource for legal trainers in BiH, Croatia and Serbia. For the first time, the materials brought together ICTY jurisprudence and the region's developing body of domestic war crimes jurisprudence.

E-portal



A Training and E-learning Portal was produced to provide an online platform for legal practitioners and judicial training institutions in the former Yugoslavia.

The portal, developed by the UNICRI, enables users to use a variety of tools and browse through different databases, including databases on national legislation, bilateral agreements, international treaties and conventions and, an e-learning course on International Criminal and Humanitarian Law.



Defence Counsel Manual



As part of the project, a *Manual on International Criminal Defence* was also produced to provide an overview of some of the most effective practices developed by defence counsel representing accused before the ICTY.

The Manual was produced by UNICRI together with the Association of Defence Counsel practising before the ICTY (ADC-ICTY). Intended as a reference tool for defence counsel defending accused in war crimes cases before domestic courts in the region, it deals with several complex issues, such as using and challenging ICTY-generated evidence as well as conducting effective plea bargaining.

Legal support staff

The national judiciaries in the former Yugoslavia identified the lack of adequate legal support staff as one of their most pressing problems. As a result, the WCJP coordinated the placement of over 30 young professionals with domestic legal institutions.

Young professionals from a variety of backgrounds, including lawyers, political scientists and communications analysts, were integrated into local judicial and state institutions in BiH, Croatia and Serbia for the duration of the project. Host institutions included the Ministry of Justice in Croatia, the Serbian War Crimes Prosecutor's Office, District and Cantonal Prosecution Offices in BiH, the War Crimes Departments in the Belgrade High and Appellate Courts and the Court of BiH, and the judicial training centres of Republika Srpska and the Federation, BiH.

ICTY Manual on Developed Practices

The blueprint of the Tribunal's work



The ICTY Manual on Developed Practices was the first publication to provide a description of the most efficient and innovative practices developed by the ICTY. It was published in 2009 to preserve the Tribunal's legacy and to aid other international and domestic courts responsible for adjudicating international crimes.

The Manual, developed under the auspices of former ICTY President Judge Fausto Pocar, was the result of a joint effort between the Tribunal and the UNICRI.

"The legacy of the ICTY must be preserved by the continued prosecution of war criminals by domestic jurisdictions in the former Yugoslavia. In that respect, this Manual is particularly aimed at sharing with those jurisdictions the practices of the Tribunal. But it also has a much broader purpose and that is to provide information from those intimately involved in the process to all national and international jurisdictions faced with the task of prosecuting war crimes, in the hope that they may also be helped in their task by the practices and lessons learnt by the ICTY," wrote former President Fausto Pocar and Sandro Calvani, UNICRI Director, in their joint Foreword to the Manual.

The Manual, which has been translated into B/C/S and Albanian, covers the full scope of the Tribunal's work, from investigations to the enforcement of sentences, and explains the complexities of its proceedings. Its publication

highlighted the need to secure resources for national jurisdictions to complete the work of prosecuting war crimes, leading to subsequent initiatives such as the War Crimes Justice Project.



The ICTY Manual on Developed Practices provides a comprehensive analysis of the most efficient and innovative practices developed by the Tribunal since its establishment to date. In terms of methodology, the Manual covers all stages of proceedings, from an investigation, pre-trial, rendering and drafting of the judgment, to the execution of final sentences, supported by extensive and very useful practical examples for each stage. As such, it has found application before the Court of BiH in all important procedural and legal situations encountered in different stages of domestic criminal procedures.

Specifically, the Manual has led to the development and advancement of domestic legal practices, among other things, with respect to the essential elements of an indictment and amendments during the trial. The ICTY Manual on Developed Practices fills in the gaps in domestic legal regulations, assists in their interpretation and practical application in specific cases, and offers examples.

Judge Hilmo Vučinić, Court of BiH.

Working visits

A unique opportunity to exchange information

ICTY presidents, registrars and judges have visited the states of the former Yugoslavia on a regular basis, often including seminars and public meetings in their schedules. In addition, the Outreach Programme has organised approximately 570 working visits of legal practitioners and members of the national judiciaries from the former Yugoslavia to The Hague, in order to exchange expertise and establish closer contacts between the Tribunal and its regional counterparts.

When the Tribunal first became operational, several of its judges and Registry officials travelled to the region. Through these visits, they sought to better acquaint themselves with the local situation, further their knowledge of the national judicial systems as well as meet with local government authorities, NGO representatives, victims' and missing persons' associations and scholars.

As the Tribunal's activities intensified, the Outreach Programme facilitated regular trips of ICTY officials to the former Yugoslavia to further strengthen ties with counterparts in the regional judiciaries as well as to publicise the Tribunal's achievements and challenges.

Furthermore, the Outreach Programme has welcomed numerous judges, prosecutors, defence attorneys and other legal practitioners to The Hague. These



visits offered participants the opportunity to learn first-hand about the Tribunal's structure and activities as well as to discuss specific topics such as the main cases, the rules of procedure and evidence and the applicable law.

The visits from regional legal professionals often included presentations about the work of Chambers and the Judges, the Office of the Prosecutor and the Registry by representatives of the respective sections. Additional events, such as roundtables with Tribunal judges, attendance of

court sessions, workshops on the collection and use of evidence as well as demonstrations on accessing ICTY documents, provided a focused and interactive experience to all visitors.

Croatian judiciary delegation came to three-day study visit to the ICTY on 4 July 2005. The programme included presentations on topics such as application of substantive and procedural laws at the ICTY, collection and use of evidence, working with witnesses and access to the ICTY documents.

Training, workshops and seminars

Building capacity through sharing experiences and best practice

Since its establishment, the ICTY Outreach Programme has organised and participated in more than 90 training sessions, workshops and seminars reaching over 2,900 legal professionals.

In addition to working visits and the specialised War Crimes Justice Project, ICTY staff and their partners in the region have organised training sessions, workshops and seminars aimed at building the capacity of national judiciaries to investigate and prosecute war crimes cases. These events provided ICTY staff with a unique opportunity to interact directly with their regional counterparts, exchange information and provide assistance to regional accountability efforts.

Outreach initiatives were tailored to the specific needs of different professionals and concentrated on areas of particular relevance to regional proceedings. These included the definition of certain crimes under international humanitarian law, the notion of command responsibility, criminal procedure developed at the ICTY, the protection of victims and witnesses as well as the conduct of complex forensic investigations.

Tribunal staff also welcomed the opportunity to participate in events organised by partner organisations to exchange knowledge and expertise on a wide spectrum of topics covering different aspects of the processing of war crimes.



ICTY Outreach representative gave a presentation on the practice of plea agreements before the ICTY at a two-day conference *Plea Bargaining - A Tool for Obtaining Information on Mass Graves*, Sarajevo, 24 April 2012.

Seminars on criminal procedure and defence

In 2002, the ICTY Outreach Office, in partnership with the American Bar Association in Serbia, organised a series of seminars on criminal procedure and the defence of accused before the Tribunal.

The seminars were held in Niš, Novi Sad and Belgrade and were attended by approximately 90 Serbian attorneys. The presentations were given by an attorney with experience in practising before the ICTY, the Chief of the Office of Legal Aid and Detention (OLAD) and the Tribunal's Deputy Outreach Coordinator.

Training for legal staff dealing with war crimes in BiH

During 4-8 March 2005, Outreach organised a five-day training programme on international law for staff of the War Crimes Chamber (WCC) of the Court of BiH, the War Crimes Department of the BiH Prosecutor's Office and the International Registry of the WCC.

ICTY officials played a central role in the delivery of the programme, with five Hague-based senior staff participating as instructors.

The training preceded the official inauguration of the WCC of the Court of BiH which was held on 9 March. The ICTY was represented at the event by former President, Judge Theodor Meron, and former Chief Prosecutor, Carla del Ponte, who both delivered keynote speeches.

Media

A black and white photograph of a person wearing a face mask, holding two Shure SM58 microphones and a portable audio recorder. The word 'Media' is overlaid in yellow text. The person is wearing a light-colored, possibly white, face mask that covers their nose and mouth. They are holding two silver Shure SM58 microphones, one in each hand, with their mesh grilles facing forward. The microphones have 'SHURE SM58' printed on them. In the background, a portable audio recorder is visible, held in the person's hands. The recorder has various buttons and a small display screen. The overall scene suggests a recording or broadcasting session in a public or semi-public setting where safety measures like face masks are required.

outreach



Given the Tribunal's aspiration to publicise information about its proceedings, working with journalists has been one of the priorities of the Outreach Programme. Indeed, immediately after its establishment, Outreach arranged for representatives of the most influential media agencies from BiH, Croatia, Kosovo, Montenegro and Serbia to visit The Hague. This initiated a productive working relationship that endures to this day.

Study visits for journalists began in 1999 and have continued throughout the Tribunal's mandate. Since then, some 20 visits have taken place involving more than 150 journalists from across the region. Considering its novelty, there was little time to learn about the Tribunal before journalists began covering court developments. In light of this, media and outreach staff worked with journalists reporting on the Tribunal on a regular basis to explain the legal intricacies of the different cases. Many hours of court footage have been provided to help journalists produce reports and documentaries. Spokespersons provided statements on behalf of the Registry and Chambers, and the Tribunal's presidents and registrars welcomed opportunities for interviews with regional media agencies on the most recent developments. The Tribunal has also invited journalists from the region to witness many of its high-profile hearings.

Over the years, Outreach has ensured that journalists from the region were provided with optimal working conditions during their visits, including access to translated case materials and the opportunity to interview Tribunal staff. Discussions with experts from the Tribunal as

well as local journalists based in The Hague proved to be a valuable component of these visits and many of these journalists still cover the Tribunal's work today.

With the development of new technologies, the Tribunal's media outreach has become more sophisticated with the incorporation of new platforms such as social media. The ICTY Facebook, YouTube and Twitter platforms were launched in 2010 and quickly became a popular source of information for journalists. The reach of these tools and their widespread usage among media professionals simplified the process through which journalists could obtain current information about the Tribunal in a timely and convenient manner.

As the ICTY's mandate nears its end, Outreach will continue working with the media, but shift its focus to the Tribunal's legacy and its contribution to the promotion of accountability in the region of the former Yugoslavia.

The ICTY in the regional media

Reaching out to the public through statements and interviews

Given the geographical distance separating the Tribunal from the region of the former Yugoslavia, the ICTY's leadership recognised the importance of making themselves available to journalists from the region for interviews. In addition, the Outreach Programme's representatives based in the countries of the former Yugoslavia have regularly spoken to the media in order to disseminate information about the Tribunal's work to the public.

Over the years, the ICTY's messages to regional media outlets have evolved with the institution, focussing in turn on the nature of the Tribunal, the importance of prosecuting war crimes and the legacy that it will leave behind. During the early years, the main aim was to explain the work of the Tribunal as well as dispel misconceptions about it. The ICTY's principals, judges as well as court representatives in the region seized every opportunity to give interviews about the institution and its mandate. Key messages focussed on why and how the ICTY had been established, its legitimacy as a UN tribunal, and the scope of the indictments.

For example, in an interview with SENSE News Agency in 1999, former President Judge Claude Jorda highlighted the importance of bringing to justice all persons indicted for war crimes. Similarly, other ICTY representatives in their public statements stressed the importance of its work and urged

We do not have mechanisms to apprehend the accused ourselves. All member states must do everything in their power to locate these accused at large and transfer them to The Hague. That is their obligation according to international law and something we insist on – full cooperation in this matter with the international community and the countries in the region.

Former ICTY President **Fausto Pocar** speaking to BiH daily *Oslobođenje* on 2 June 2008 about the importance of cooperation with the ICTY .

countries of the former Yugoslavia to cooperate with the newly established Tribunal.

As the ICTY's workload increased, it became obvious that it would not be possible for an *ad hoc* tribunal to try all those responsible for the crimes committed in the former Yugoslavia. When specialist national courts were established, Tribunal officials publicly supported and highlighted the importance of the national judiciaries in the region prosecuting

war crimes. In an interview with BiH-based BIRN Justice Report, former President Judge Patrick Robinson highlighted the importance of regional war crimes trials and stressed that the ICTY would continue to help strengthen the rule of law in the states of the former Yugoslavia. He added that '*partnership with judiciaries in the region*' would continue and intensify as the Tribunal neared the completion of its mandate.



In later years, interviews became an opportunity for the Principals to explain the institutional arrangements that would follow the closure of the Tribunal, to reflect on its achievements and to promote its legacy.

We are closing down a criminal justice system and when you do that there will be, of course, some issues that need to be continued with after the life of the Tribunal. So what the Security Council has decided to do is to establish what they call – the Residual Mechanism. There will be one mechanism, it will have two branches one in Arusha for the ICTR and one branch here in The Hague, for the ICTY. The way it's going to be set up is that there will be a common prosecutor, common president and a common registrar.

Registrar **John Hocking** speaking to SENSE News Agency in January 2011.

Outreach representatives serve as focal point for regional media enquiries

Following its creation, field representatives of the Outreach Programme were encouraged not only to help organise interviews for visiting ICTY Principals and officials but also to engage directly with media outlets in the region. These representatives brought together their local knowledge and their understanding of the Tribunal's work in order to deliver clear messages to the public about the ICTY.

Analysis of the range of media-related activities undertaken by Outreach representatives in the region over the last fifteen years highlights their diversity and number. These activities ranged from participation in chat shows and phone-ins, to representing the ICTY in current affairs programmes and contributing to documentaries.

TV broadcast of Slobodan Milošević trial

Through the efforts of the Outreach Programme, the trial of Slobodan Milošević, former president of the Federal Republic of Yugoslavia, was broadcast on several major TV stations in BiH and Serbia, including the Federal Television of BiH, Republika Srpska Television and the Serbian TV stations RTS and B92.

The broadcast of the trial reached hundreds of thousands of viewers across the former Yugoslavia and resulted in a high number of interview invitations for the ICTY Outreach representatives across the region.



View from The Hague

From late 2003 to early 2005, the Outreach Programme contributed a weekly commentary to *Balkan*, a Belgrade daily newspaper. The articles focused on Tribunal-related issues of particular interest to Serbia and Montenegro. Their aim was to contribute to ongoing discussions and debates about the ICTY and broader initiatives concerning history, justice and truth.



Study visits

Regional journalists learning first-hand about the ICTY

In order to promote a better understanding of the Tribunal's work, the Outreach Programme has facilitated a number of study visits for journalists from the region of the former Yugoslavia. More than 150 journalists have had the opportunity to follow cases live in the courtroom, meet with senior ICTY officials and seasoned court reporters, and debate topics of public interest.

Study visits are one of the tools used by the ICTY to help journalists from the region produce informed and accurate reporting on war crimes. Through these visits, the Tribunal provides advice and practical assistance on how to report effectively on proceedings. The visits broaden journalists' knowledge of the Tribunal, provide information about available resources, further develop war crimes reporting skills and deepen ties with the institution.

In the early years following the Tribunal's establishment, study visits for journalists focused on explaining its basic functions and activities as well as promoting a greater awareness of its goals and purpose. As the volume of hearings increased, the visits refocused on helping journalists understand and summarise the often complex and lengthy trials as well as appellate proceedings and judgements.



As the ICTY moves towards the completion of its mandate, the Outreach Programme shall continue assisting journalists to report on the final proceedings and their findings.

A group of eight journalists from BiH, Croatia and Serbia came to the Tribunal for a week-long study visit in November 2013. For many of the journalists, the highlights of the visit were the meetings with the then President Theodor Meron and with Prosecutor Serge Brammertz.

Based on the burden of our recent history and the debate in the region of the former Yugoslavia regarding the work of the Tribunal, it is imperative for me, as a journalist, to have an opportunity to receive first-hand information about the work of this institution, as well as about the ways that international humanitarian law has been applied in particular cases.

Erna Mačkić, Balkan Investigative Reporting Network (BIRN), The Hague, November 2013

A symposium for media outlets from the former Yugoslavia

A two-day media symposium held in October 1999 was the first large-scale event organised by the newly-established Outreach Programme. The symposium brought together 15 journalists from BiH, Croatia, the Federal Republic of Yugoslavia and the FYROM for a series of panel discussions. Journalists spoke with the then President of the Tribunal, Gabrielle Kirk McDonald, as well as with representatives of the Office of the Prosecutor and the Registry. The participants also met with defence counsel and the Commander of the Detention Unit.

These events led to the creation of a programme of study visits to 'bridge the gap' between the Tribunal and the public from the states of the former Yugoslavia. "It is of crucial importance for the success of the Tribunal for the public in the countries of the former Yugoslavia to be informed about the work of this institution and to understand its importance", said Judge McDonald.

A unique opportunity for Serbian journalists

One of the first study visits to the ICTY took place in June 2001. A group of 16 journalists from major Serbian media outlets made a two-day visit to The Hague and met with representatives of the Prosecution, Chambers and the Registry, who spoke about the challenges of prosecuting complex war crimes cases.

Thereafter, Serbian media interest in the Tribunal peaked with the trial of the former President of the Federal Republic of Yugoslavia, Slobodan Milošević. Speaking about their study visit, Branislava Opranović and Tatjana Ivezić, journalists of the daily newspaper Dnevnik, said: "Slobodan Milošević was arrested and transferred to The Hague on 28 June 2001. This was only two days after we returned from our study visit in The Hague back to Serbia. It was thanks to the wealth of information we brought back from The Hague that Dnevnik, was the only newspaper in Serbia to publish a special supplement called The Hague – X Files. This special supplement offered an insight into the Tribunal's work at a time when Serbian public opinion with respect to the Tribunal was sharply divided."



Organisation of public events

High-profile proceedings attract widespread interest

Hundreds of journalists from the region of the former Yugoslavia have come to the ICTY to report on high-profile hearings such as initial appearances and judgements. Over the years, the Outreach Programme together with the Media Office have ensured that regional media representatives are provided with all relevant information in their own languages in order to facilitate reporting.

From an early stage, the Outreach Programme recognised the important role that media outlets from the former Yugoslavia would play in publicising the ICTY's work.

Given the time and financial constraints for journalists from the region reporting on the Tribunal, the Outreach Programme and Media Office have worked to ensure that those who were able to visit received the maximum benefit from their stay in The Hague.

The Outreach Programme produced information packs in the languages of the region with relevant case information to assist visiting journalists.

Furthermore, B/C/S-speaking staff made themselves available in the press room during high-profile hearings to solve problems and facilitate the work of the journalists. Media Office staff also arranged interviews with ICTY officials and

Over the previous ten years, I had the opportunity to follow important legal proceedings in the ICTY's courtrooms.

On all these occasions it was very important to have good cooperation with the Tribunal staff, and of course, especially with the Media and Outreach offices.

I appreciate the fact that regional journalists were always given priority in the public gallery and that information about the cases was available in the Bosnian language.

Saša Delić, Journalists RTV BiH.

provided them with additional footage for use in their reports.

Moreover, particular care was taken to ensure that the journalists were allocated seats in the public gallery for key trial proceedings so that they might witness the Tribunal's work first hand.

The start of trials for high profile accused – such as Radovan Karadžić, Ratko Mladić and Slobodan

Milošević – received widespread media attention. These trials required special arrangements to enable as many journalists as possible to attend and report on the proceedings.

For the opening statements in the Karadžić trial, the usual 30-minute video feed delay was suspended and proceedings were broadcast live both in the lobby of the Tribunal and in an adjacent conference hall.

Work stations were set up in both locations to accommodate around 300 journalists.

In the end, approximately 30 international journalists and reporters from the region of the former Yugoslavia were able to view proceedings in the ICTY courtroom gallery.



Journalists invited into the Detention Unit

A unique opportunity for the media to visit the Tribunal's remand centre

To coincide with its 20th anniversary in 2013, the ICTY opened the doors of its Detention Unit (DU) for the first time to a group of 15 regional and international journalists who had been reporting on its work for many years. The visit was repeated in 2014, giving 20 additional journalists the chance to see for themselves the detention conditions for the accused and meet those in charge of running the DU.



Journalist of the Serbian Beta News Agency, **Radoša Milutinović** visited the Tribunal's Detention Unit in 2013.

Under the supervision of the Tribunal's Registry, the DU is a remand centre housing ICTY accused after they have been transferred to The Hague to stand trial. Located within a Dutch prison complex in the Scheveningen neighbourhood, it has long been a source of interest to journalists from the former Yugoslavia and around the world.

Throughout both visits, the DU's commanders spoke with journalists and answered questions. Journalists also had the opportunity to explore an empty detention wing, a typical cell and the sports hall. Following the visits, the photos and footage they had taken formed the basis of several reports that were published and broadcast in the region and around the world.

A report featuring the ICTY's Detention Unit wins a top media award in Serbia

Ivan Ilić, a journalist from the Public Broadcasting Service of Vojvodina RTV, was awarded third place at the TV Festival *Press Knight* in Serbia for his report on the DU. The report featured material from his 2014 visit.

The *Press Knight* festival seeks short video features that display strong journalistic content, originality and a clear understanding of the needs of its local viewers.

The jury concluded that Ivan Ilić had portrayed conditions in the DU in a realistic manner. The report was considered relevant as it allowed people in Serbia to see behind the walls of the DU for the first time.



SENSE news agency

Daily trial monitoring, weekly TV programmes and documentary production

The SENSE News Agency, based at the ICTY, is the only agency that reports exclusively on the Tribunal. Whether through daily reports, weekly TV programmes or documentary films, SENSE prides itself on providing the latest information on the work of the Tribunal, not only to the former Yugoslavia but also to audiences worldwide.

SENSE began reporting on the ICTY in 1998 by producing daily news segments that covered the trials, current events as well as legal findings. Reports are posted on the SENSE website in the B/C/S and English languages and provide readers with a courtside view of the trials.

In March 2000, SENSE expanded its reporting by launching its television programme 'TV Tribunal'. This 30-minute programme continues to be broadcast today and provides coverage of the week's proceedings with additional mini-features on Tribunal matters. Most importantly, the broadcasts are in the B/C/S languages and fed to television stations throughout the former Yugoslavia. The programme is then re-broadcast to provide the region's audience with an opportunity to see balanced and comprehensive coverage of the work of the ICTY.

In addition to daily reports and weekly television programmes,

SENSE has to date produced seven documentary films: *Triumph of Evil* (2001), about the Srebrenica genocide trial; *Against All Odds* (2003), chronicling the first ten years of the ICTY; three documentaries detailing the case against Radovan Karadžić and Ratko Mladić - *The Fugitives* (2004), *Life and Deeds of Radovan Karadžić* (2005) and *Rise and Fall of General Mladić* (2005); *Beyond Reasonable Doubt* (2005), an examination of the Srebrenica massacre 10 years later; and *Sarajevo Roses – Terror in 12 Pictures* (2012), detailing the reconstruction of the 44-month siege of BiH's capital in ICTY proceedings.

Recognising the importance of SENSE's work, the ICTY Communication Section and Outreach Programme have offered the agency continued support. The Media Office regularly provides trial-related information to its SENSE colleagues for their daily reports. A vast amount of hearing footage has



been provided over the years for use in SENSE's television broadcasts and documentaries. Assistance has also been given to facilitate access to a large number of Srebrenica-related exhibits for SENSE's Information Centre in Potočari.

Online



outreach



The ICTY website and social media sites are accessible worldwide and represent the Tribunal's largest outreach effort in terms of audience numbers. The Outreach Programme and the ICTY Web Unit collaborate to produce material for both the official website and social media outlets.

In 2002, the Outreach and Web teams created a dedicated website in B/C/S, along with Albanian and Macedonian, to allow people in the region of the former Yugoslavia to follow the work of the Tribunal in their own languages. In 2008 these efforts culminated with the creation of a consolidated multilingual website. For the first time, all website content was translated into B/C/S alongside the official languages of the Tribunal – English and French – to provide extensive information about its work and cases to people in the region. The website also included relevant case-related content in Albanian and Macedonian.

In order to preserve and promote the work of the Tribunal beyond the completion of its mandate, the Tribunal's Web Unit also initiated the Legacy Websites Project in 2013. The Outreach Programme contributes to this project by providing extensive support to the development of online exhibitions based on the ICTY's archival material. These exhibitions will focus on particular aspects of the crimes adjudicated by the Tribunal so as to highlight its contributions to the process of transitional justice in the region and to international justice as a whole.

In 2010, the ICTY set up its own YouTube and Twitter accounts. Subsequently, it also launched Facebook, LinkedIn and Flickr pages to further its online presence. Through these social media platforms, online visitors receive real-time information about ongoing trials and other Tribunal-related activities. Twitter in particular provides rapid and accurate updates on the Tribunal's work. Filings of particular interest to those following war crime trials are also highlighted.

Since their launch, the number of people in the former Yugoslavia using the Tribunal's web and social media sites has been rising steadily, thereby confirming the timeliness of this technological transition and its success in connecting with new audiences.

ICTY website

Communicating the Tribunal's work online

Featuring regularly-updated content and interactive web features from the Outreach Programme, the ICTY's multilingual website draws a large audience from the former Yugoslavia and abroad. The Outreach Programme creates web content that makes complex legal materials – previously available only through the Tribunal's archives – more accessible.

The centrepiece of online Outreach is the regular broadcast of public trial sessions. Established in August 1998 by the NGO "Domovina" and relayed to the ICTY's website since late 2000, this service is designed to enhance the transparency of Tribunal proceedings and to assist its worldwide audience to keep up-to-date with the latest developments in all of the Tribunal's courtrooms.

Initially available in the English and B/C/S languages, this service was later expanded into Albanian and French in order to meet a growing interest in the Tribunal's work.

The next step towards making the Tribunal's work more readily available to the communities of the former Yugoslavia was the creation of a dedicated B/C/S website in 2002. This website provided quick access to information on the most recent developments at the Tribunal and was particularly targeted at users in the region.

In addition to general information, the site also provided electronic access to all Tribunal documents available in B/C/S. In 2003, following the beginning of the Limaj trial, relevant website content was also translated into Albanian.

Likewise, in 2005, following the start of the Boškoski and Tarčulovski trials, additional content was translated into Macedonian.

Following the success of the B/C/S website, a consolidated multilingual website was launched in 2008 to include content in English, French, B/C/S, Albanian and Macedonian. This website continues to provide the web broadcast of trials and information sheets about every case.

Additionally, it provides some special features, such as an interactive map illustrating the crimes in the former Yugoslavia investigated by the Tribunal and audio-visual material

such as a tour of the Tribunal's Detention Unit, testimonies from witnesses who had appeared in court and a photo gallery.

The site also features sections for specialised audiences. A Legal Library contains all the main legal documents regulating the work of the Tribunal, from the Statute through to member state cooperation agreements and the rules governing the Defence. It contains specialist research tools such as the Appeals Chamber Case Law Database that provides summaries of all judgements and significant decisions issued by the Appeals Chamber since 2004.

Elsewhere on the site, *The Cases* section provides more than 35,000 documents made up of indictments and judgements, as well as key decisions and orders.

As the ICTY's closure approaches, the ICTY Web Unit and Outreach

have partnered to develop the ICTY Legacy Website as a key tool for the promotion of its legacy. Novel and informative online multimedia features will be created and added to the current ICTY website while the content related to ongoing activities will gradually be phased out.

In this way, the ICTY Legacy Website will continue to be a major research resource beyond the completion of the Tribunal's mandate.



Voice of the Victims



The ICTY's courtrooms have heard hundreds of victims tell compelling stories about what they saw and experienced during the wars in the former Yugoslavia. Victims who testified courageously related the details of crimes committed against themselves, their family members and others.

The *Voice of the Victims* web feature tells some of their stories. Through videos of testimony, texts of transcripts and personal narratives, their journeys are shared beyond the courtroom walls.

Statements of Guilt



A number of people indicted by the Tribunal have pleaded guilty to directly committing or being responsible for crimes during the wars in the former Yugoslavia. In almost all such instances, those pleading guilty issued statements accompanying their guilty pleas. These statements often contained information or evidence that was previously unknown to communities or the families of victims.

Most guilty pleas are also accompanied by statements of remorse by the accused and frequently express hope that such remorse will contribute to reconciliation among the peoples of the former Yugoslavia. The *Statements of Guilt* web feature provides access to videos and texts compiled from all the statements of guilt made before the Tribunal.

Crimes of Sexual Violence



Crimes of Sexual Violence is an in-depth web feature explaining the ICTY's contributions to the prosecution of wartime sexual violence. Almost half of those convicted by the Tribunal have been successfully prosecuted for elements of sexual crimes.

Together with its sister tribunal for Rwanda, the ICTY was among the first courts of its kind to bring specific charges of wartime sexual violence and to define crimes such as rape and sexual enslavement under customary international law. These legal achievements are highlighted through segments featuring landmark cases, case statistics, the *Prosecuting Sexual Violence Legacy Project* and the documentary, *Sexual Violence and the Triumph of Justice*.

The Tribunal has developed detailed and proven practices for the protection and care of victims and witnesses as it was necessary to ensure that these individuals could tell their story in a safe and secure environment free from fear or threats. Segments such as *Innovative Procedures: Hearing, protecting and counselling* and *Reliving the Past: The challenges of testifying*, explain the innovations made by the Tribunal in the care and protection of survivors of sexual violence.

Social media

Tribunal's social media engages the public in the region

In 2010, the Tribunal's online strategy expanded to include the publication of multilingual content on social media. Since then, its presence on Facebook, Twitter, YouTube, LinkedIn and Flickr has enabled it to reach out to a wider and more diverse audience.

The rising popularity of social media platforms in the countries of the former Yugoslavia provided Outreach with a valuable opportunity to engage with the public in the region in a dynamic way.

The Tribunal's Twitter and YouTube channels were launched in October 2010, while its Facebook presence was established in May 2012 immediately before the start of the Ratko Mladić trial. Its LinkedIn and Flickr presence was steadily built from 2012 onwards.

The ICTY's social media accounts have an international following, with around 30 per cent of the audience coming from the region of the former Yugoslavia. Facebook in particular is the most popular social network in the former Yugoslavia. With 40 per cent of views coming from this region, the ICTY's Facebook page focuses on providing quick and easy access



to information in tandem with the Tribunal's official website. For example, witness statements, previously accessible only through the *Court Records Database*, are now available directly

through links from the Facebook page together with background information about the witness and the purpose of their testimony. Additional information disseminated

via Facebook includes details of judgements, Outreach projects and articles about the ICTY, as well as UN-related news concerning the region of the former Yugoslavia.

The ICTY's most successful venture into social media is its YouTube channel, which features approximately 2,000 videos. Consisting of in-house produced documentaries and thousands of hours of key courtroom footage, its videos have been seen over 2 million times since the channel was set up. The Tribunal's Flickr account, launched in 2014, has also been widely used by journalists and documentary makers as a source of photo exhibits used during courtroom proceedings.



Since **October 2010**, the Tribunal has established a **strong social media** presence on the **5 most popular** social networks. Since launch, **tens of thousands** of **videos, tweets** and **posts** have been published to an **audience** of which **over 30%** comes from the **region of the former Yugoslavia**.

Commemoration of the 20th anniversary of the Srebrenica genocide



The ICTY's social media campaign for the commemoration of the 20th anniversary of the Srebrenica genocide shared the work of the Tribunal with a global audience.

Multimedia content was published in the weeks prior to the date of the anniversary. The campaign promoted the website, short documentary and infographics created for the anniversary for media use through its social media accounts on Facebook, Twitter and YouTube. These materials were shared widely online and were seen by over 100,000 people.

20 years of international justice



For the ICTY's 20th anniversary, Outreach produced a short video entitled *20 Years of the ICTY*, which gave an overview of the most important events from the two decades of the Tribunal's existence.

The video was posted on the Tribunal's social media channels and website. The content was viewed over 13,000 times on Facebook, YouTube and Twitter.

Live tweets



Live tweets when judgments are delivered and during other major events, such as the 20th anniversary of the Srebrenica genocide and the 20th anniversary of the ICTY, have proven popular and of great benefit to the ICTY's online audience. Diplomats, journalists, academics and people who make up the Tribunal's professional audience group are the main followers.

For such groups, being updated live on major judgments via Twitter is an easy and convenient way to stay informed about the Tribunal's work.

Documentary



production



Video has played an important role in documenting and making the public aware of the Yugoslavian conflict globally. In the 1990s, television crews recorded scenes from the conflict and provided live broadcasts to a global audience. Some of this footage and journalists' testimonies have been admitted as evidence at the ICTY. The ICTY has also documented all court proceedings, including testimonies of witnesses, and this material is being preserved for future research and education. It has been widely distributed to journalists, researchers and film-makers, with more than 150 access requests received annually. This material has also been crucial to the work of Outreach in producing documentaries.

In 2001, the ICTY produced its first documentary film, *Justice at Work*, which introduced the Tribunal's work, mandate and structure to the general public. Since 2010, the Outreach Programme intensified its efforts to contribute to the preservation of the Tribunal's legacy through, amongst other initiatives, the production of the feature-length documentaries: *Sexual Violence and the Triumph of Justice*, *Crimes before the ICTY: Prijedor*, *Through their Eyes – Witnesses to Justice* and *Crimes before the ICTY: Central Bosnia*. These documentaries specifically focused on providing insight into some of the ICTY's most significant cases and the Tribunal's contributions to international criminal law.

The Outreach documentaries have already proved to be an invaluable tool in disseminating information about the Tribunal's

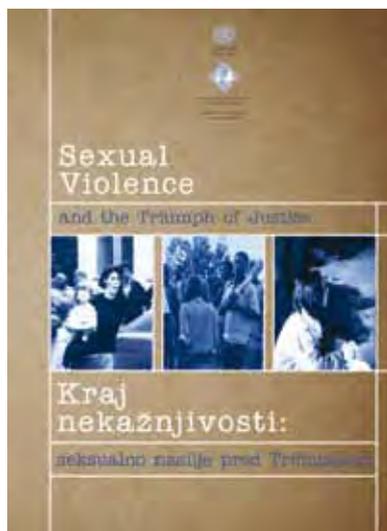
work, trials and judgements to a wide segment of the general public. While the information disseminated through the ICTY's official documents reaches a limited and specialised audience, Outreach documentaries have been seen by hundreds of thousands of people. They offer a concise and easily understandable overview of key trial and appeal proceedings or other topics related to the work of the ICTY, and can thus provide the viewers with quick, yet comprehensive, insight into the issues at stake. This adds significant educational value to the documentaries, which has been confirmed by educators and students who have used them in a variety of educational contexts throughout the world.

With the ICTY scheduled to close in 2017, the Outreach documentaries will become an even more important tool to ensure the Tribunal's work is preserved for future generations.

Sexual violence and the triumph of justice

Highlighting the ICTY's pioneering jurisprudence

The documentary Sexual Violence and the Triumph of Justice looks at the development of the ICTY's jurisprudence on the prosecution of crimes of sexual violence committed during armed conflict. The documentary includes interviews with ICTY judges and staff members as well as witnesses and survivors of sexual violence who have testified before the Tribunal. It was screened throughout the former Yugoslavia and is now used for educational purposes globally.



The documentary premiered on 31 January 2012 in The Hague. More than 100 people attended the event, including members of the diplomatic community, representatives of other international courts, NGOs, journalists and students. The first regional screening took place in March 2012 in Zagreb, Croatia and additional screenings were later held in Sarajevo, Tuzla, Prijedor and Mostar, BiH as well as Belgrade and Novi Sad, Serbia. In late November 2012, the promotional tour of the documentary was concluded in Skopje and Tetovo in the FYROM.

The release of the documentary coincided with a growing interest in the prosecution of sexual violence among practitioners of international criminal and human rights law. The documentary has gone on to be used as part of the training materials for the police in Argentina and South Africa, military cadets in the USA and sociology and political science students in BiH.

The Tribunal's contribution to the development of international law

The Tribunal's jurisprudence on the prosecution of sexual violence in armed conflicts is an important element of the institution's legacy. Just under half of those convicted by the ICTY have been found responsible for crimes involving sexual violence.

The documentary serves as a lasting reminder of the Tribunal's contribution to bringing those most responsible to justice and raising awareness of these crimes not only in the region but also globally.

During the armed conflicts in the former Yugoslavia, rape and sexual violence were widely used as weapons of war. These crimes destroyed the dignity of the victims and inflicted permanent suffering upon them. Therefore it is very important that crimes of sexual violence have been addressed by the Tribunal and that such a level of attention has been paid to them. We should never forget the courage of the victims, both men and women, who found the strength to testify before the ICTY and thereby ensured that those responsible were made to face the truth about their terrible crimes.

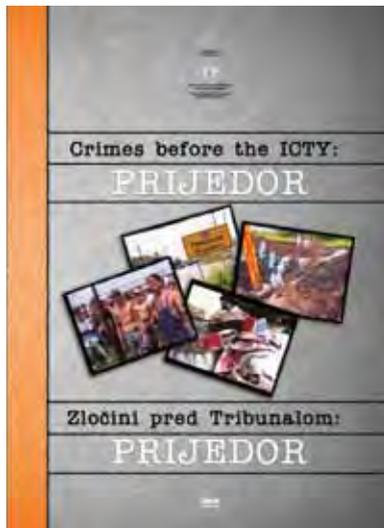
Marijana Toma, historian and Humanitarian Law Centre representative, Belgrade, Serbia.



Crimes before the ICTY: Prijedor

The discovery of detention camps that led to the creation of the ICTY

The second Outreach produced documentary, Crimes before the ICTY: Prijedor, depicts the Tribunal's role in the prosecution and adjudication of crimes committed in Prijedor, a municipality in north western BiH. The events that took place are depicted through interviews with ICTY staff, excerpts from survivors' testimonies presented at trial and findings from ICTY judgements.



On 6 August 1992, British journalists from *Independent Television News* (ITN) and *The Guardian* revealed the existence of camps detaining non-Serb civilians in Prijedor, located in north-western BiH. Images of emaciated inmates were broadcast globally provoking a strong international response. Through the use of interviews, investigative news footage and courtroom testimonies, *Crimes before the ICTY: Prijedor* details the discovery of these camps and the resulting establishment of the ICTY.

The premiere of the documentary took place on 17 April 2013 in Novi Sad, Serbia, and was followed by screenings in Belgrade and Sarajevo. In addition, the documentary was screened as a part of the *Days of White Armbands* events in Zagreb, which honoured the victims of the crimes in Prijedor. These events were attended by victims' representatives, human rights organisations, the media,



academics, legal professionals and a number of international officials.

Crimes before the ICTY: Prijedor was also screened at the Tribunal for victims' representatives from Prijedor living in the Netherlands. The screening was attended by H.E. Ahmet Halilović, Ambassador of BiH to the Netherlands.

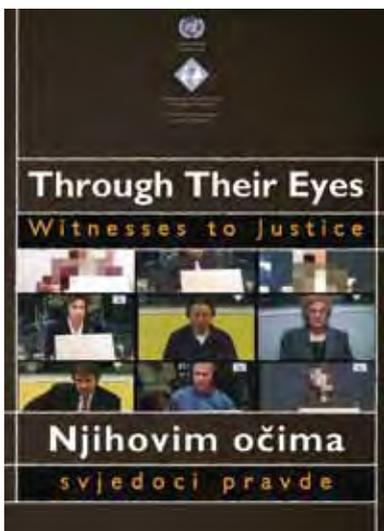
Screening of *Crimes before the ICTY: Prijedor* in Belgrade, Serbia, was followed by a panel discussion.



Through their eyes: witnesses to justice

Documenting the bravery of ICTY witnesses

Through Their Eyes: Witnesses to Justice profiles five women and men who survived the wars in the former Yugoslavia and were witnesses to murder, torture and the displacement of communities. These individuals came forward to testify about their experiences and, in some cases, about the perpetrators who committed these crimes.



This documentary explored the crucial role played by victims in the prosecution of those most responsible for crimes committed during the 1990s in the former Yugoslavia. Through the stories of these five witnesses, the film explores their motivations for testifying and demonstrates the courage that this requires. With the participation of ICTY judges and staff, and footage from ICTY testimonies, *Through Their Eyes: Witnesses to*

Justice provides a lasting reminder of the contributions witnesses have made to international justice and the importance of live testimony in international criminal proceedings.

The documentary premiered at the ICTY's 20th Anniversary conference in Sarajevo in November 2013. Following the premiere, the documentary was screened in The Hague and at several events across the region.



Screening of *Through their eyes: witnesses to justice* in the Ethnographic Museum of Serbia in Belgrade.

Documentary broadcast by ten TV stations in BiH

In 2014, *Through Their Eyes: Witnesses to Justice* was screened by 10 local and regional television stations in BiH, including broadcasters located in Sarajevo, Mostar, Bihać and Zenica.

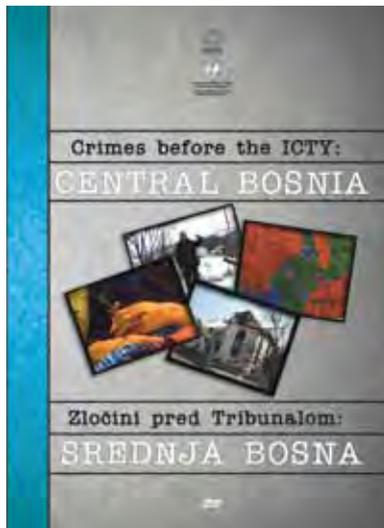
This was the first time that the film was broadcast on local television, thanks to the Outreach Programme's partnership with the Balkan Investigative Reporting Network (BIRN).



Crimes before the ICTY: Central Bosnia

Crimes that led to the Tribunal's first indictments

The documentary tells the story of the crimes committed against civilians during the Croat – Muslim conflict in Central Bosnia between early 1993 until the end of 1994. While the conflict was ongoing, investigations began into the alleged crimes that were being committed which led to some of the Tribunal's first indictments.



Crimes before the ICTY: Central Bosnia was screened in 2015 in Zagreb, Croatia, Belgrade, Serbia, Sarajevo and Vitez, BiH. The screening in Vitez (Central Bosnia) was particularly significant as its population experienced some of the most serious crimes committed during the conflict. The audience was comprised of victims' associations, NGOs, and members of both the municipal authorities and the local judiciary. Members of both ethnic communities were present at the screening.

One attendee, Chief Physician Dr Kadrija Šabić-Haračić, who had worked as a neurosurgeon in Central Bosnia during the war said: *"Every household in BiH should have a copy of this film. It is necessary to show to people that they are not alone in their pain and that there were victims on all sides. Such films speak about what happened in a clear way and contribute to the healing process."*



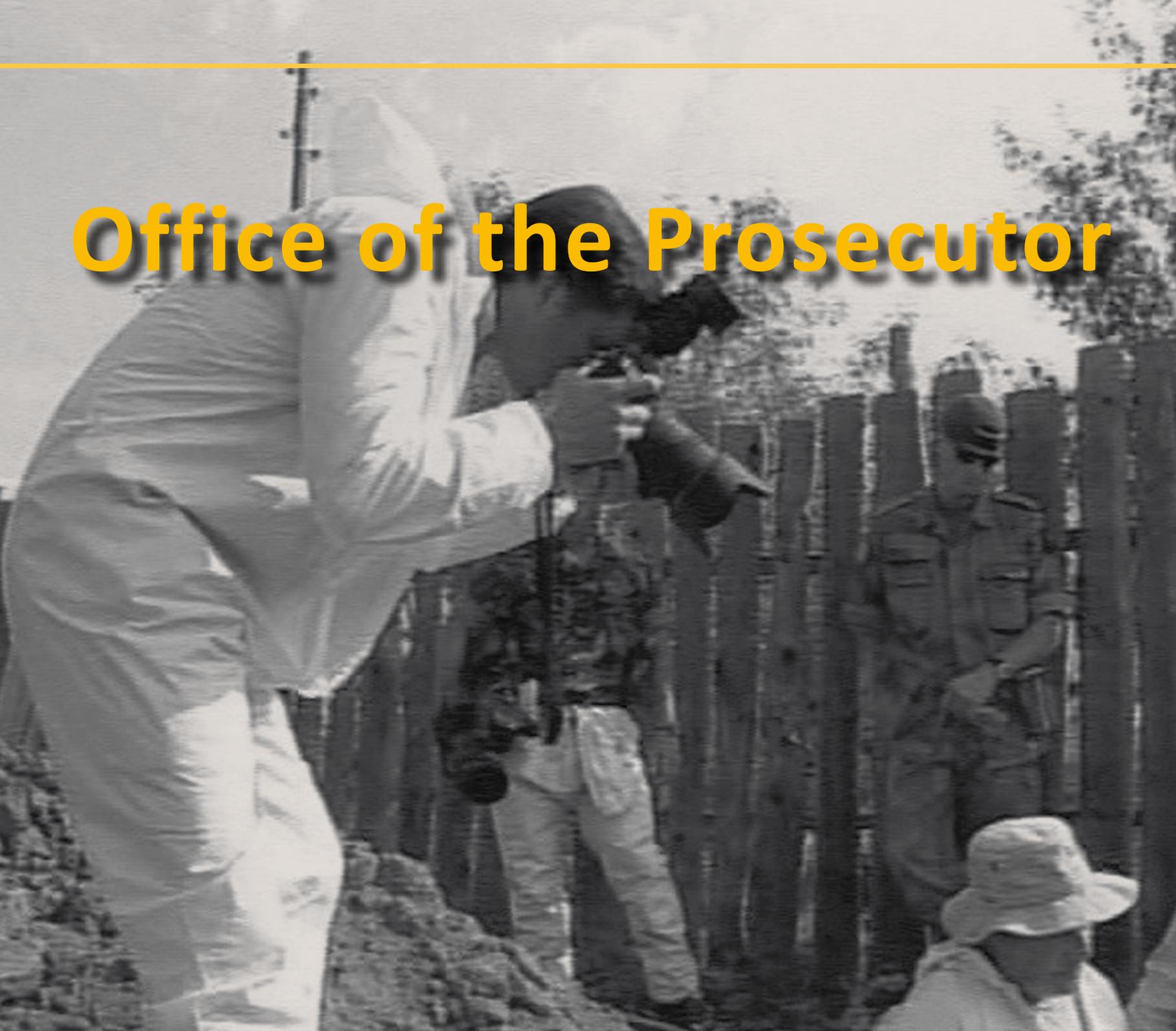
Screening of *Crimes before the ICTY: Central Bosnia* in Vitez, BiH.

During the first half of 2015, *Crimes before the ICTY: Central Bosnia*, along with the three other documentaries produced by the Outreach team, was aired over four consecutive weeks on eleven TV stations in BiH during prime time.

The documentary was also aired on one regional TV station.



Office of the Prosecutor



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The need for outreach

At that time, I was in a unique position of a special advisor to the Chief Prosecutor, effectively advising her on the political, historical and broader non-legal aspects, including public perceptions. (...) At one point, when I'd just arrived, Chief Prosecutor Louise Arbour asked me to brief the President of the Tribunal, Judge Gabrielle Kirk McDonald, on how people in the former Yugoslavia saw the ICTY, what their perception of the Tribunal was, what could be done in terms of bringing the message about the Tribunal's work closer to wider public, explaining the complex work of the international institution such as the ICTY.

Basically I was telling very frankly to the President and my colleagues how the work of the Tribunal was not perceived very well by all, how it was seen uneven by different constituencies and broadly by different peoples. It was indeed seen quite negatively or understood wrongly, albeit from very different points of view, much depending on nationalities and backgrounds. I tried to explain the reasons why. Because the Tribunal was seen as an 'ivory tower' in The Hague, distant and comfortable European city, as an institution which announces its indictments, calls for arrests, issues very legal documents and statements, whose language nobody understands properly. Because it is seen as a tool of powerful states acting in favour of some against some others. Because it is very legal, because the then indictments were quite short and dry, without depicting everything in a way people could understand and recognize. Because the ICTY's work was completely submerged in the confidentiality, secrecy, and everything was under the 'prosecution spell'.

This discussion and then further considerations, including through field missions, led to the development of a concept of how to create the ICTY Outreach, how to fundraise it and why it was so important to bring the correct and digestible information to the people in the region, explain what we are doing, why we are doing and how we are doing this important work.

Anton Nikiforov, Special Advisor to chief prosecutors Louise Arbour and Carla Del Ponte from 1998 to 2007.



The OTP began its first investigations in 1994, at a time when the conflicts in Croatia and BiH were still ongoing. As the first representatives of the Tribunal on the ground in the countries of the former Yugoslavia, OTP investigators and prosecutors quickly confronted the challenge of explaining their work and mandate to victims, witnesses and state officials. Inevitably, perceptions of the Tribunal were shaped by the conflicts, and the tendency was to see it as either a friend or foe.

At a time when communities had been split apart by ethnic conflict, many found it difficult to believe that there could be an independent and impartial justice mechanism to apportion individual responsibility for crimes that had been committed.

Compounding these challenges, those in power understood that they could be ultimately targeted by the Tribunal's investigations, and sought to influence public opinion accordingly. The regional media often did not provide an independent perspective, but simply repeated official narratives.

As the OTP continued its investigations in the years after the conflicts had finally ceased, it increasingly confronted the negative impact that misperceptions of the Tribunal had on the success of its investigations, particularly in the area of state cooperation. With its specific and in-depth knowledge of the situation, the OTP was in a position to inform the rest of the Tribunal about these challenges and discuss how they could be overcome.

Outreach has been an integral part of the OTP's work. Experience has shown that to achieve the OTP's core mandate – the investigation and prosecution of those most responsible for the crimes committed – outreach is essential. For that reason, the chief prosecutors and OTP staff members have actively worked to communicate key information about the OTP's activities to the publics in the region and establish a dialogue with important stakeholders.

The OTP has given particular attention in its outreach activities to three key constituencies: victims, the media and national authorities.

Victims

We hold a certain power as stewards for the powerless, for the victims, to do justice.

We must as stewards act on their behalf in seeking justice, in doing justice, to empower the powerless.

Ken Scott, Senior Trial Attorney, closing arguments in the *Prljić et al.* case, 10 February 2011.

Over the course of the OTP's mandate, the chief prosecutors have prioritized the creation of an open dialogue with victims and their representatives.

The OTP has worked to create an environment in which victims trust that the OTP is fully committed to achieving justice and will listen to their views. While victims will often have very high expectations that cannot always be met, the OTP has recognized that building support with the victims is critical to improving understanding of its work among the broader public.

Over the years, the chief prosecutors have regularly met with victim representatives in The Hague and the region to provide information about ongoing trials and appeals, listen to their views on the justice process and respond to their questions and concerns.

OTP investigators and prosecutors



Prosecutor **Carla Del Ponte** with victims representatives in Sarajevo, 3 June 2005.

are in constant contact with victims on matters related to trials of interest to them and any concerns they may have regarding their security and safety.

The OTP has also worked hard to ensure that the publics in the former Yugoslavia are fully aware of victims' suffering and the courage they have repeatedly shown by testifying in proceedings before the ICTY.

I will never forget any of my meetings with the victims. It is through these contacts that we are constantly reminded why we are really here – to obtain justice for those who have suffered the worst atrocities Europe has seen since World War II.

Prosecutor **Carla Del Ponte**,
Interview to REZ, YIHR magazine,
September 2007.



More than 2,000 witnesses from BiH have testified in our trials. Women who lost their husbands, sons and fathers. The few men who miraculously survived the mass executions. Without the victims, justice would not have been possible. Your courage and your determination are an example for all of us.



Prosecutor **Serge Brammertz** at the 20th Anniversary of Srebrenica Genocide, July 2015.

Voices from the region: Victims

“I personally and many other victims believe that not a single war criminal would have been arrested and sentenced had there been no Hague tribunal.”

Bakira Hasečić, Associated Press, 27 May 2013.

“When we are gone (...) I am afraid that new generations will lose sight of what was really happening here, because today’s mothers and families generally raise new generations trying to spare them the ugly truth that befell us. (...) In the end, I think the most important will be what the victims will have to say or what their assessment will be. (...) So far, the ICTY’s work had good and bad sides and it still has not received the final assessment from us, but it will get it, because we believe that it also exists because of us, the victims, and that we are the ones who should give it the final assessment.”

Munira Subašić, President of the Association Mothers of Enclaves of Srebrenica and Žepa Movement, BiH Daily Oslobođenje, 7 December 2014.

The media

From the commencement of its work, the OTP recognised the importance of the media, particularly regional media, in explaining the Tribunal's mandate, reporting on trials and appeals, and demystifying the legal process. The chief prosecutors gave interviews to the media to provide information about ongoing OTP activities, and the Tribunal issued press releases marking important developments in areas such as the arrests of suspects

and the completion of proceedings.

However, in 1999 the OTP's engagement with the regional media dramatically increased with the commencement of OTP investigations into the ongoing conflict in Kosovo. This was the first 'real-time' investigation into international crimes in history, which generated significant interest in the OTP and required the OTP to adopt more sophisticated media

strategies to explain and build support for its work.

Prosecutor Arbour clearly demonstrated how the media could assist the OTP's investigations when in January 1999 she attempted to enter Kosovo to investigate the reported killing of 45 people in Račak. Reports that she had been denied permission to investigate by Yugoslav authorities helped to catalyse international condemnation and strong support for investigations of crimes being committed in Kosovo. The OTP also successfully used the media as a key outreach tool when, on 27 May 1999, it issued its indictment against the former President of the Federal Republic of Yugoslavia Slobodan Milošević and four other top officials.

With these vivid demonstrations of the impact the media could have on the OTP's work, in 2000 the OTP established its own small media

office to assist the chief prosecutors and implement the OTP's media strategy. Over the course of its work, the OTP Media Office has closely cooperated with the ICTY Media Office and the Outreach Programme.

The OTP Media Office's policy has been to ensure that the OTP is reachable and accessible to the media at all times. The OTP Media Office is always available to provide additional information and clarifications in relation to indictments, legal submissions or arguments in court, as well as help journalists to situate developments in their broader legal and historical context.

Over the years, regional media from BiH, Croatia, the FYROM, Kosovo, Montenegro and Serbia have requested and been granted countless interviews with the chief prosecutors. The chief prosecutors have also regularly engaged with the



Prosecutor Louise Arbour at the press conference announcing the indictment against Milošević *et al.*, 27 May 1999.

media during their missions to the region by giving press conferences and answering journalists' questions. The chief prosecutors' interviews have been an important opportunity for the OTP to speak directly to the publics in the region, provide information on the OTP's work and answer questions that have arisen. They have also allowed the chief prosecutors to encourage print and TV journalists to provide critical, but honest reporting on the Tribunal's work. The OTP has never shied away from criticism and difficult questions, but it has insisted that criticism be based on fact. One of the challenges that the chief prosecutors had to deal with during their encounters with the media was the media's focus on the persons indicted and transferred to The Hague, and not on the victims or the crimes.

Without stepping on journalistic turf, which is supposed to be also independent of political interference and pressure, allow me only to stress couple of points. First, the right of the public to receive correct and well-informed coverage of the trials and pre-trial proceedings.

Second, respect of the court proceedings and rules which govern confidentiality of court documents and witnesses. And, third, the need for independent, and, again, well-informed, critical analysis of such trials and proceedings (not based on politics or sensationalism, but with a view of pointing to possible inaccuracies, mistakes or even injustice).

Not a single institution is beyond criticism, including the ICTY. But it is very important that this public scrutiny has the same goal as judicial institutions – justice for the victims and proper trials and punishment for the perpetrators.

Prosecutor **Carla Del Ponte** at the conference entitled *In pursuit of justice: An overview of progress in the transitional justice system of BiH*, Sarajevo, November 2005.

The OTP speaks BCS

The OTP recognizes that the best way to understand the countries of the former Yugoslavia socially, historically and politically, and to encourage dialogue with the stakeholders in the region, is to employ staff who speak the local languages.

Speakers of the B/C/S languages have worked as lawyers, analysts, spokespersons and advisors to the chief prosecutors.

Critically, the OTP employed B/C/S speakers in the OTP Media Office, which is the first point of contact for anyone seeking information about the work of the OTP.

This made the OTP more approachable and allowed the Media Office to more efficiently respond to requests coming from the region. Journalists getting in touch with the OTP Media Office were often pleasantly surprised to hear that *"the OTP speaks B/C/S"*.



Prosecutor **Carla Del Ponte**, press conference, 3 May 2006.

Voices from the region: **Journalists**

"I come from a country where there will always be three different reactions to the judgments about war criminals depending on their ethnic group. I wouldn't go into the politics of The Hague tribunal, and I have my own opinion on some of the acquittals, but in general I think they have done decent work."

It's very hard to prove some things. For some people who survived the war there will never be clear justice. There will always be people who are unsatisfied. The tribunal has done a pretty good job, and now it's up to us, to our domestic courts, to prosecute lower-level criminals."

Radio Free Europe journalist **Dražen Huterer**, from Sarajevo.



Carla Del Ponte, asked about the most emotional moments in the course of her mandate:

An important, and obviously emotional moment was the transfer of Milošević: the afternoon when we were sitting here and waiting for this to happen, because we worked so much on this. Then, the exhumations I attended, but, as I said, this is not so much the issue of remains being exhumed; it is more about the family members and parents standing around. But this is a good emotion because you always feel more motivated.

BiH weekly *Dani*, September 2002.

Carla Del Ponte on the legacy of the Tribunal:

The Tribunal has achieved a great deal in the 14 years of its existence and yet it is still under constant attack by those who try to deny what happened in the wars in the former Yugoslavia, by those who are against the pursuit of justice. It is extremely important that the facts established at the Tribunal are available to the people of the former Yugoslavia and not deliberately concealed and misrepresented by politicians and others. The prosecutor of the ICTY can do a lot in that respect.

BiH daily *Dnevni Avaz*, September 2007.



Serge Brammertz in his statement on the arrest of Ratko Mladić:

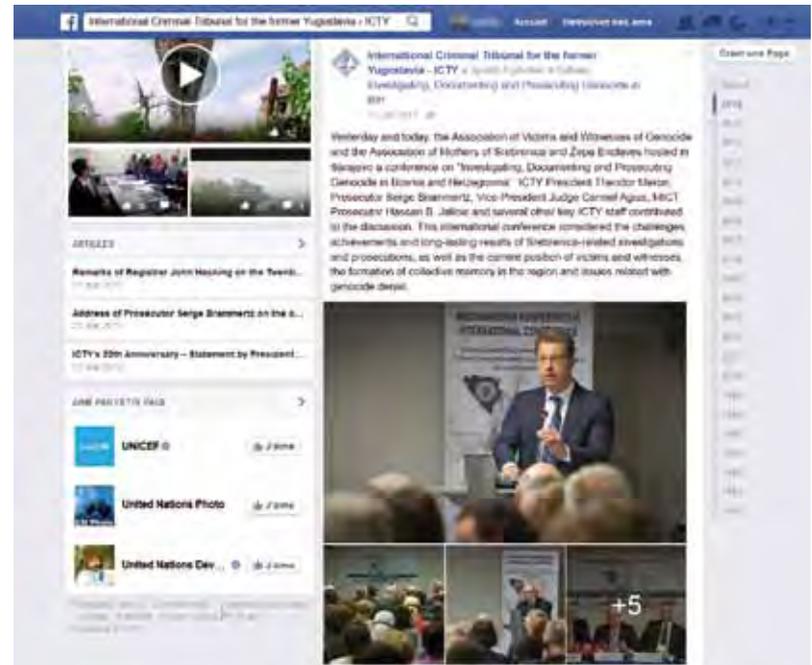
For the victims of the crimes alleged against Ratko Mladić, the transfer holds the most significance of all. Sixteen years is a long time to wait for justice. It is a long time to know that someone responsible for their trauma is walking free. We understand why the victims have been impatient for this day and we recognize their courage. Without their support and involvement in our cases, this Tribunal could have achieved nothing.

June 2011.

Serge Brammertz on reconciliation:

I think that the reconciliation should come from inside, from each country separately, because it cannot be imposed from the outside. It has to come from the society itself, which means that the society has to accept that some of its members did something wrong. These days we have seen in court some accused who are trying to impress the audience by saying that this is the trial of Serbs or the Serbian people, which is out of the question. We always insist on the fact that we prosecute individuals for their individual criminal responsibility, and we would never suggest directly linking these individuals with the responsibility of entire nations.

Serbian daily *Danas*, October 2014.



More recently, the OTP has also become active on social media, particularly Twitter and Facebook. The OTP Media Office uses ICTY social media accounts to connect with the general public and the younger generation in the region and worldwide.

National authorities

To achieve its mandate, the OTP needs the cooperation of the states of the former Yugoslavia. State cooperation is critical to a range of investigative and prosecutorial activities, from tracking and arresting fugitives to accessing witnesses and other sources of evidence.

To secure cooperation, the chief prosecutors have engaged in extensive outreach with a range of national authorities, including politicians, government institutions and judicial authorities. They have undertaken hundreds of missions to the region to discuss cooperation issues and work to establish support for the OTP and its mandate.

The chief prosecutors have met many times with presidents, prime ministers, ministers of justice, ministers of defence, heads of security services, state attorneys general, court presidents and other key actors.

The OTP's first Prosecutor, Justice

Richard Goldstone, prioritized forming productive relationships with the countries in the region. One of his first public acts was signing a memorandum of understanding on 3 December 1994 with the Minister of Foreign Affairs of BiH.

Voices from the region:

Political leaders

"I was in favour of full and complete cooperation with ICTY, not only because it is our Constitutional obligation, but also because I believed that ICTY trials will help create a climate in Croatia for similar trials and that it will – most importantly – help us move away from even the slightest attempt of constructing collective responsibility."

Sjepan Mesić, former President of Croatia, April 2011.

The memorandum of understanding provided for setting-up a Tribunal's sub office in Sarajevo, facilitating on-site investigations and seizing physical evidence, meeting with potential witnesses and sending of observers to the trials to be held in Bosnia and the exchange of information of all kinds.

Prosecutor Louise Arbour continued this work. Just a few months after she was appointed, she undertook her first mission to the region, the purpose of which was to "meet key ministers and other senior officials in the former Yugoslavia and to hold face-to-face discussions on the legal and practical aspects of the necessary cooperation between the OTP and the relevant authorities."

The search for fugitives and the demands of trials and appeals required Prosecutors Del Ponte and Brammertz to travel to the region regularly to discuss cooperation with political and judicial authorities.

Since May 2004, the chief prosecutors have also provided regular reports on state cooperation to the UN Security Council (UNSC). These reports, which were always preceded by visits to the region to meet with key interlocutors, served as important opportunities to publicly identify barriers to cooperation and set clear expectations for needed corrective action by state authorities.



Over the course of two decades and countless missions to the region, the chief prosecutors successfully worked to build support in the region for the Tribunal and the war crimes justice process.

The results are clear: all ICTY fugitives were arrested, including Radovan Karadžić and Ratko Mladić, and important evidence that had previously been withheld was finally transferred to the OTP's custody.



Prosecutor Richard Goldstone



Prosecutor Louise Arbour



Prosecutor Carla Del Ponte



Prosecutor Serge Brammertz

Answering questions, dispelling misperceptions

In all of its outreach activities, the OTP seeks to answer questions and dispel misperceptions about its work. While the media and members of the public may have many assumptions and suspicions about the Tribunal, the OTP has found that these can be overcome by providing greater insight into the reasons for key decisions and the approach that the OTP has taken to its mandate.

This has been an important theme in many of the interviews that the chief prosecutors have given to the regional media.



Prosecutor Serge Brammertz speaking to journalists, Mostar 2015.

Carla Del Ponte explaining the basis of OTP work:

The Office of the Prosecutor sticks to facts and firm evidence. We do not take part in historiographic discussions nor are we interested in politics so much. If somebody is responsible for committing a crime, then he is responsible for it on the basis of very clear facts and there is concrete evidence about it.

Croatian weekly *Globus*, May 2000.

Serge Brammertz responds to the criticism of the Tribunal coming from the region:

The ICTY is not anti-Croatian, anti-Serb or anti-Bosniak – it is anti-crime and anti-impunity. The mandate of the Tribunal is to bring to justice those individuals who are responsible for serious violations of international humanitarian law committed in the former Yugoslavia. It is not valid to defend a country or to liberate territories by killing civilians, looting civilian property and expelling tens of thousands of civilians from their homes. In the face of compelling evidence that such crimes had been committed, my Office was obliged, on behalf of the international community, to seek justice for the victims.

Croatian daily *Jutarnji List*, May 2011.

Bob Reid, Chief of Operations, on why did the OTP investigate only some crimes committed in the Konjic municipality:

Whilst it would be my wish to bring to justice every single person who committed a crime, be it theft of a hunting rifle or motor vehicle right up to mass murder and rape, the reality is we cannot do it. Trying every crime is not what this Tribunal was established to do. The Security Council established the Tribunal to investigate the most serious crimes that occurred. What we have tried to do, particularly in the area of Konjic, is give an account of the suffering that occurred. We did try to gather together as much information as we could in crimes that occurred in the surrounding Serb villages (...).

Bridging the Gap Conference in Konjic, November 2004.

One of the more successful project in which the OTP took part was the Bridging the Gap conferences established by the Outreach Programme. Between 2004 and 2005, OTP prosecutors and investigators who worked on cases of war crimes committed in Brčko, Foča, Konjic, Prijedor and Srebrenica travelled to these communities to give presentations to the victims, community leaders, NGOs and judiciaries. They spoke about the evidence the OTP had gathered regarding war crimes committed in these municipalities, how the investigations developed, the prosecutions for those crimes by the OTP and the evidence presented to the court. The events concluded with Q&A sessions, which provided OTP staff with key opportunities to address questions and concerns.

Hildegard Uertz-Retzlaff, Senior Trial Attorney, on the Foča sexual violence crime case:

“Why did we indict these eight perpetrators?”

When interviewing the witnesses from Foča and the neighbouring villages and municipalities, these eight perpetrators are those who were mentioned the most. They include the most senior police officer and the seven most notorious soldiers involved in the rapes. Several of them had certain military ranks such as battalion leader or detachment commander.



Let us in this context not forget that the Partizan Sports Hall is next to the police station. The women went there for help and they were sent away. One of the victims, while being abducted from her apartment block next to the police station managed to escape Dragoljub Kunarac. She ran for help to the police and was chased away into the hands of her attackers. That is why the Chief of Police is also in this indictment.

Bridging the Gap Conference in Foča, October 2004.

Mark Harmon, Senior Trial Attorney, on the alleged bias of the OTP:

Let me start with what's the difference between a Muslim criminal and a Serb criminal: there is no difference. As to the suggestion that only Serbs are criminals, we categorically reject that. That is not and never has been the view of the Tribunal or the OTP. I want to tell you folks something that may come as a surprise to some of you: we are equal opportunity prosecutors. The first case I had to investigate and to prosecute was a case where the victims were Serbs and I pursued it with all my energy for over one year and I got nowhere. The reason I got nowhere was because the evidence was either in the Republika Srpska or it was in Serbia. In 1994 and in 1995, Serbia said, “we are not going to cooperate with you, we don't recognize you”, and Republika Srpska said, “we are not going to cooperate with you”. We are a court of law that tries cases based on evidence, not speculation, not guesswork. We need witnesses, we need documents, we need physical evidence. So that case I had, I closed it – not because I didn't want to prosecute, believe me, I wanted to prosecute that every bit as much as I wanted to prosecute General Krstić, but I couldn't, because I was hamstrung by the lack of cooperation with the authorities in Republika Srpska and Serbia.

Bridging the Gap Conference in Srebrenica, May 2005.

Making the law accessible

The OTP shares the Outreach Programme's belief that the Tribunal must be made open and accessible to the public.

Of particular importance have been visits to the Tribunal organized by Outreach for a wide variety of groups and individuals. In 2013 alone, OTP staff gave approximately 150 presentations to 9,000 people who visited the Tribunal. Visitors have included groups of law and political science students, journalists and editors, civil society representatives, prosecutors and judges and other members of the public. OTP staff have provided presentations on topics such as the crimes prosecuted at the ICTY, the history and practice of ICTY investigations, the use of military analysis, what is contempt of court, the importance of cooperation with states, prosecutorial independence, tracking and arresting fugitives, issues regarding media coverage of war crimes, the law of command



Prosecutor Serge Brammertz was a guest lecturer at Sarajevo and Mostar universities, October 2015.

responsibility and joint criminal enterprise, prosecution of wartime sexual violence, challenges in drafting indictments in war crimes cases, the role of prosecution and defence in an adversarial legal system, plea agreements and many other topics.

The OTP has also devoted significant efforts to speaking with students and the younger generation about the conflicts, the Tribunal and the importance of criminal accountability. OTP staff have participated in many lectures and events in the region organized by

the Outreach Programme through its "Youth Outreach" project.

Prosecutor Serge Brammertz has made it a priority to speak with law students from the region. In 2014 and 2015, he gave a series of lectures to law students of the Universities



of Sarajevo, Zenica, Mostar and Podgorica about contemporary and future challenges of International Criminal Justice and the lessons that can be learned from accountability efforts in the former Yugoslavia. While recognizing that international justice mechanisms are not without faults, the Prosecutor underscored his view that “we need more justice, not less.” He concluded his lectures by encouraging the students to commit to accountability for crimes

that had been committed: “You are tomorrow’s lawyers, prosecutors and judges. There will still be war crimes cases to be investigated and prosecuted for the next ten, twenty or even fifty years. Whether there will be accountability or impunity depends on the choices you make. Citizens of all ethnicities are still waiting for justice, and they will look to you to deliver it.”



Bill Tomljanovich, Research Officer in the OTP, speaking to a group of young activists from the former Yugoslavia, November 2015.

I held presentations at Universities in Mostar, Tuzla and Dobož, BiH.

What I find particularly interesting is the fact that the presentations have opened a dialogue, not only between the students and representatives of the ICTY, but also among the students themselves.

In general, students participated in the discussion with open minds and asked critical questions. The questions were not only connected to the topics of the presentations, but also to the general work of the ICTY, which shows that the ICTY is still an interesting topic in the countries of the former Yugoslavia.

However, it is important that students think critically about the content of the lectures and ask questions so that they receive the information they need to develop a better understanding of the ICTY.

This is the essence of these types of presentations.

Aleksandar Kontić, OTP Head of Transition Team.

Thematic outreach: Srebrenica genocide

July 2015 marked the 20th anniversary of the Srebrenica Genocide. Unfortunately, while the OTP has secured 14 convictions for crimes committed in Srebrenica, with another two cases currently ongoing, the facts of what occurred are still disputed, and in some segments of society there continues to be widespread denial that genocide was committed in Srebrenica.

In addition to supporting the Outreach Programme in preparing public information material on the Srebrenica Genocide, the OTP participated in public events and provided information about the crimes that had been committed and what had been proved in the courtroom.

In June 2015, Prosecutor Brammertz and senior OTP prosecutors participated in a conference in Sarajevo to discuss genocide prosecutions and historical memory,

during which they discussed the key facts that had been proved in the courtroom about the crimes committed in Srebrenica.

The Prosecutor stated: *“Of crucial importance, we have repeatedly proved beyond reasonable doubt that the Srebrenica genocide was*

committed in the implementation of a Joint Criminal Enterprise. This was confirmed again this year in the Popović and Tolimir Appeal Judgments. In simple terms, the judgments of the ICTY have established that there was a common criminal plan to commit the crimes in Srebrenica. A number

of senior officials who participated in this common plan did so with genocidal intent – that is, the intent to destroy the Bosnian Muslim community of Eastern Bosnia. Others carried out their role in the plan knowing that genocide was intended.”

In July 2015, Prosecutor Brammertz gave remarks at a commemoration event held at UN Headquarters in New York, where he spoke about his many meetings with the victims of the Srebrenica genocide.

“I took office in 2008. My first meeting was with the Mothers of Srebrenica, led by Munira Subašić. We have met many times since, in The Hague, in Sarajevo, in Srebrenica. She and the other mothers have helped me to know their past. They also helped me to understand the crucial importance of our present work. And the survivors drive us to achieve more than we ever thought was possible. Twenty two. That is



Srebrenica-Potočari Memorial Centre in BiH.



Prosecutor Serge Brammertz meeting with victims representatives in The Hague, September 2014.

how many family members were stolen from Munira. She only buried her youngest son, Nermin, last year: two small bones to mark his name, his life, his community.”

Prosecutor Serge Brammertz also attended the commemoration in Srebrenica on 11 July 2015 to pay his respects to the victims on behalf of the OTP and address the victims and world leaders in attendance. In his remarks, Prosecutor Brammertz highlighted the continuing denial of the Srebrenica Genocide.

“Denying the Srebrenica genocide is a factual misrepresentation and disregards the highest judicial decisions of two international

courts. It is also an insult to the victims. To respect the past, the victims and survivors, we must call Srebrenica by its name: Genocide. To build the future, we must speak out with one voice when it is denied. ... When there is ignorance, we must respond with education. And when there is denial, we must respond with affirmation”.

Women, War and the Reflections on Srebrenica

In July 2015, Prosecutor Serge Brammertz and Michelle Jarvis, Principal Legal Counsel, published an article where they reflected on the harms women suffer in war, focusing on the women of Srebrenica.

They noted that Srebrenica is “a dramatic example of how gender influences the experiences of war victims. As the Bosnian Serb forces advanced on Srebrenica in July 1995, most of the Bosnian Muslim men and boys were rounded up, imprisoned in appalling conditions, and thousands were executed en masse in the course of just a few days. The Bosnian Muslim women and girls suffered a different fate. Up to 30,000 were terrorized, separated from their male family members, forced onto overcrowded buses, and expelled from their homes and communities. While the women survived – and the men did not – they were consigned to a myriad of devastating consequences as they sought to reestablish their lives and to repair their broken families and communities: the reality of being displaced and trying to return home; the struggle to meet basic needs for themselves and their surviving children; dealing with the psychological trauma of the genocide; and their protracted search for still-missing family members – wives searching for husbands, mothers searching for sons, sisters searching for brothers. These heartbreaking facts – recorded in the testimonies of witnesses brought before the ICTY – remain an all-too-often overlooked part of the Srebrenica atrocity.”

Article published in *Radio Free Europe*, 11 July 2015.



Thematic outreach: Sexual- and Gender-Based Violence

Before the ICTY was established in 1993, there were few legal precedents concerning conflict-related sexual violence crimes. In light of reports and evidence gathered by the OTP concerning widespread sexual violence crimes committed against both females and males in the former Yugoslavia, the ICTY has made significant progress in prosecuting these crimes, contributing to the development of procedural and substantive law concerning sexual violence crimes within the framework of international criminal law.

Over the course of its mandate, the OTP has made significant efforts to bring attention to sexual- and gender-based violence, which historically has often been minimized or ignored. OTP attorneys, investigators and analysts have given numerous presentations to visitors and students, and have also spoken at conferences and seminars on the topic. OTP staff also participated in documentaries produced by the

Outreach Programme, sharing their experiences on the investigation and prosecution of wartime sexual violence.

The OTP has further undertaken a large-scale project to document its experiences and insights concerning the investigation and prosecution of sexual violence crimes. This project has resulted in a comprehensive book, entitled *Prosecuting Conflict-Related Sexual Violence at the ICTY*, which traces the history of the OTP's work on sexual violence crimes and provides concrete examples of practice and precedent. The goal, among other things, has been to document the lessons the OTP has learned over two decades, and develop guidance for the future prosecution of sexual violence crimes. This guidance will be relevant at the international level as well as at the national level, particularly in the former Yugoslavia, where the impunity gap for large numbers of remaining perpetrators still needs to be closed.



Michelle Jarvis, Principal Legal Counsel in the OTP, participating in a roundtable discussion following the screening of documentary, *Sexual Violence and the Triumph of Justice*, January 2012.

There were so many hurdles at the beginning, so many reasons why the world thought we might not ever succeed ... but we've seen in the space of little more than a decade fundamental shifts in the prosecution of sexual violence crimes, from thinking about rape and sexual violence as crimes of honour and dignity, towards now really understanding that these are violent crimes that deserve to be treated and prosecuted like other violent crimes and given the same priority. ... So, really, within a very short space of time ... we have really seen some very rapid development, which gives us a great deal of encouragement.

Michelle Jarvis, Principal Legal Counsel.

Thematic outreach: Destruction of cultural heritage

In conjunction with the preparation of its book, the OTP and the Outreach Programme organized an art competition for university students from the region to design the book's cover page.

Entrants were asked to provide visual interpretations and representations of the concepts of justice and accountability in the context of wartime sexual violence. In October 2015 the OTP announced the winners of the art competition.



Winner of the art competition: **Amanda Bešić**, International University of Sarajevo.

It is a weapon because it goes to the very psyche of the person, it goes to a physical sense of the person, it goes to a social sense of the person. It's a very adequate manner in which the person somehow feels that they've experienced death and yet are condemned to continue to live.

Patricia Sellers, Advisor, Gender Crimes in the OTP.

Excerpt from the Outreach documentary *Sexual Violence and the Triumph of Justice*.



Prosecutor **Serge Brammertz** visiting the National Library and City Hall, Sarajevo, September 2014.

In light of recent attention given to the destruction of cultural heritage, the OTP has made efforts to highlight the need for accountability for these crimes and the impact the destruction of cultural heritage has had in the former Yugoslavia.

In September 2014, Prosecutor Brammertz visited the reopened National Library and City Hall in Sarajevo with the city's Mayor Ivo Komšić. The building was destroyed in August 1992 by shelling during the siege of the city, resulting in the burning of almost two million books

and records. Prosecutor Brammertz underscored that the burning of the National Library was symbolic of the widespread destruction of cultural property and heritage that was committed during the conflict in BiH.

In October 2015, Prosecutor Brammertz visited the Old City of Mostar and Stari Most to bring attention to the successful efforts to restore these UNESCO World Heritage Sites and hold individuals accountable for the destruction of cultural heritage.

Closing words

Let us pause here to remember what the Tribunal is about. It is about bringing to justice persons most responsible for the brutal killing, torture, humiliation, illegal detention, enslavement of thousands upon thousands of innocent human beings, men, women and children only because they belonged to another ethnic group. It is about punishing those responsible for rape of women, girls and men in a ruthless, violent pursuit of political projects that have no historical justification. It is about establishing the individual guilt of civilian and military leaders for the uprooting and expulsion of hundreds of thousands of civilians from their homes, for turning countless lives into desperation, for irreparable harm to so many surviving victims.

How can bringing those people to account for such unspeakable acts be a destabilizing factor on the road to democracy? Surely it is clear by now even to the most sceptical, that a culture of impunity, hesitation and equivocation on bringing such individuals to justice has only prevented democracy, encouraged extremists and prolonged the repression and violation of human rights.

Prosecutor **Carla Del Ponte**, address to the NATO Parliamentary Assembly in Belgrade on 21 March 2003 after the assassination of Serbian Prime Minister Zoran Đinđić.

One of the achievements is that the region would have looked different without the Tribunal. Because of the prosecution of those who bear the greatest responsibility for war crimes, which resulted in taking and having taken them out of the system, I think the countries of the former Yugoslavia were able to move forward in an easier way.

Expectations at the start were very high that the Tribunal would have a positive impact on reconciliation. Today, the reality is that the situation is fragile and some politicians in the region call the ghosts of the past to back their national agenda.

Some politicians in the region are glorifying war criminals or even denying genocide in Srebrenica. Because of this tendency of revisionism, it is important that, here in The Hague, we create a lasting and very strong record of crimes committed for future generations, who want to know what witnesses have said and what has been established by the Tribunal.

Prosecutor **Serge Brammertz**, interview for BIRN on the occasion of the Tribunal's 20th anniversary in June 2013.

This publication marks fifteen years of the ICTY Outreach Programme. In that time, it is clear that the Tribunal undertook important efforts to bring its work closer to the region, as Judge McDonald envisaged.

The Tribunal is a more open and accessible space than it was before. Outreach projects such as Youth Outreach or *Bridging the Gap* brought what had been established in the Tribunal's courtrooms into the affected communities, while also providing an opportunity for ICTY staff to answer questions and dispel misperceptions. The OTP contributed through its outreach activities to open dialogues with key stakeholders in the region, and sought to bring increased attention to issues that were not as widely known and understood.

Yet it is also clear that many of the same challenges that motivated the establishment of the Outreach

Programme 15 years ago persist today. Perceptions of the Tribunal and its work remain uneven and are often shaped by ethnicity or religion. Those convicted of war crimes are still widely seen as heroes in their own communities. The denial of crimes, including in particular the Srebrenica genocide, continues. For many segments of society, the Tribunal's processes

remain opaque and its decisions difficult to understand.

The extent to which the Tribunal succeeded in its outreach efforts remains to be seen. Nevertheless, the Tribunal's legacy – the evidence gathered, testimonies offered, facts established and judgments issued – will remain even after the Tribunal completes its last case. This legacy

will be the Tribunal's ultimate outreach. It must be made available to future generations in the region, so they can learn what happened during the conflicts and what the Tribunal did to help achieve justice, and judge for themselves whether the Tribunal made its work relevant to their societies and contributed to the peace process.



Prosecutor Serge Brammertz with a group of interns from the region of the former Yugoslavia working in the OTP in 2015.

The way

A black and white photograph showing two hands clasped together in a firm grip. The hands are positioned in the center-left of the frame, with the fingers interlaced. The background is a soft, out-of-focus grey. Overlaid on the right side of the image is the text "The way" in a bold, yellow, sans-serif font. A thin yellow horizontal line is visible at the top of the image.

forward

Glancing back - looking beyond

The creation of the Outreach Programme was a significant event in the life of the Tribunal. It reflected a new awareness on the part of the ICTY leadership of the importance of connecting the courtrooms with the people in the region, countering disinformation with accurate reporting, and translating its decisions into a language comprehensible to those most affected by the crimes under the Tribunal's jurisdiction.

Looking back at the last 15 years, it is evident that the Outreach Programme has had an irreplaceable role in trying to bridge the distance between the Tribunal and the region. It is also clear that the Programme has been quite creative and effective in its efforts to explain the mandate and decisions of the Tribunal in different languages and to different audiences, and in ensuring that people in the region had a channel to convey their views back to the Tribunal.

As stated at the outset, this publication

is meant to provide a comprehensive overview of the instruments and techniques utilised by the ICTY Outreach Programme in reaching those objectives and to pay tribute to all those who have supported the Programme in many different ways.

It would be, however, remiss to conclude without some remarks on the challenges that the Programme has faced throughout its lifespan, the key lessons learnt and the way forward.

The Challenges

Despite the great enthusiasm that surrounded the establishment of the ICTY Outreach Programme, the context within which it started operating was far from favourable. Intended by its founders to be a tool *"to build mutual understanding and trust and raise the credibility of the ICTY"*, it soon came under attack from external actors as an initiative that had come too late and would do too little to have a significant impact.

Indeed, the Programme started functioning in late 1999, over six years into the Tribunal's existence. This was also a time when the institution was struggling to establish itself against a backdrop of considerable doubt and scepticism. In addition, at this time, many countries in the region were still governed by the same wartime political and military elites whose members had been indicted or investigated for war crimes by the ICTY and whose interests lay in undermining its relevance. Negative portrayal of the Tribunal in the region by people and organisations who do not support judicial accountability for war crimes and the strengthening of the rule of law has remained a significant obstacle for the Outreach Programme's work throughout these 15 years.

Developing an effective Outreach Programme within the limitations of the ICTY's legal framework was also quite sensitive. In all of its activities and products, the Outreach Programme had to walk a fine line, trying to find the balance between generic

everyday language and the precision of the law, between the desire to explain processes and decisions and the imperative to safeguard the legitimacy and impartiality of the court. This often meant practicing the art of explaining the work of the Tribunal in terms understandable to a wide audiences, while at the same time precisely and comprehensively describing and informing the public about complex legal notions, procedures and arguments.

Moreover, the Programme had to define its goals realistically and measure progress in very small steps. The Tribunal – and, as a consequence, its Outreach Programme – was often portrayed as having the responsibility to bring about mutual understanding among communities, reconciliation, and, possibly, lasting peace. As a result, the Outreach Programme was often judged not on the basis of whether it created opportunities for education of, and dialogue with, the people of the former Yugoslavia, nor

on whether it helped improve their knowledge and understanding of the ICTY. Rather, it was evaluated on the basis of an unrealistic assessment of the Tribunal's mandate and capacity.

Finally, despite its relevance to the work of the Tribunal, the Outreach Programme was never considered part of its 'core' functions and was never included in the Tribunal's regular budget. The Outreach Programme has been completely dependent on voluntary contributions from donors – a limited number of states and international organisations, with the European Union being its strongest supporter. This meant that a significant amount of time and energy of the Outreach staff had to be spent on fundraising efforts, instead of being used for substantive outreach activities. Had it not been for the generous and continued support of the EU, the ICTY Outreach Programme would not have been able to operate, and certainly not in the same capacity as it did in the last 15 years.

Lessons learnt

Throughout its 15 years of activity, the ICTY Outreach Programme has tried to constantly re-assess and adjust its own strategy, listen to criticism and adapt to the different stages of the Tribunal's life. This section highlights a few of the lessons learnt as a result of that process. While the list is by no means exhaustive, it may still be of assistance to courts and tribunals already established and to those yet to come into being.

First of all, it now seems evident that the presence of an outreach program and the crafting of an outreach strategy should not be an after-thought, but rather part and parcel of a tribunal's mandate from the onset. The agreement on fundamental messages and the means to disseminate them is crucial for any tribunal to 'set the stage', that is, to explain its role to key constituencies, address misconceptions that may undermine its effectiveness and prevent unrealistic expectations from taking hold.

Of course, an outreach programme can only be as strong as its leadership's commitment to it. In the case of the ICTY, the strong support of the various Principals, their interest in and availability to engage with the people in the region, and the time they devoted to Outreach's activities as well as to campaigning for its resources have been essential to the Programme's success.

An effective outreach programme also requires the capacity to engage those affected by crimes under the jurisdiction of the tribunal in their own language, and a strong and dynamic field presence – especially for tribunals located away from the affected country, and immersed in a vastly different culture. The ICTY Outreach benefitted for several years from the existence of Liaison Offices throughout the former Yugoslavia. At the moment, only two of those Offices are still active (in Sarajevo and Belgrade) and they continue to be crucial to the development of

partnerships, the transfer of expertise and the implementation of the Outreach phase-out strategy.

Moreover, the choice of the 'right' Outreach personnel is crucial. While some could argue against the close involvement of individuals from the affected regions because of fears of bias or lack of impartiality, the ICTY Outreach Programme demonstrated the effectiveness of a committed number of staff from the different parts of the former Yugoslavia and the unique impact that their deep understanding of the local communities can have.

Also, outreach should be not only about 'telling', but also about 'asking'. In seeking input from local communities, outreach should not be about lecturing, but rather about creating dialogue and opportunities for questions to be asked and answered.

Finally, outreach programmes should not forget that, no matter the resources available, their capacity to engage

the affected community will always be limited. In this regard, nurturing contacts and networks with partners, such as local NGOs, media outlets, and academic institutions, can amplify the effect of outreach activities and assist in disseminating its messages.

The way forward

The ICTY is an institution which helped change the way the world thinks about accountability. Twenty years ago, many doubted that the Tribunal would be able to conduct a proper investigation, let alone hold a trial. Today, the Tribunal is approaching the completion of its mandate, with all fugitives accounted for, and serves a model for other accountability institutions.

In the last two years before the closing of the ICTY, Outreach will focus its activities on strengthening the organisations' legacy and ensuring that the facts it established, its decisions and its jurisdiction are understood

and accessible long after the end of the ICTY. The central role in ensuring the 'sustainability' of the ICTY's legacy will be played by regional actors active in the field of transitional justice.

More in details, the Outreach will try to finalise negotiations on the establishment of information centres in the countries of the former Yugoslavia, pursuant to the terms of UN Security Council Resolution 1966 (2010). These information centres would provide direct access to the entire public archive of the ICTY. While the Tribunal will assist with their creation, the centres' ownership will belong to local actors.

In its final years, the ICTY Outreach Programme will also intensify its efforts to provide factually accurate information to young people in the region on the conflicts of the 1990s and the role of the Tribunal. In particular, building on its successful Youth Outreach Project, the Outreach Programme will further increase

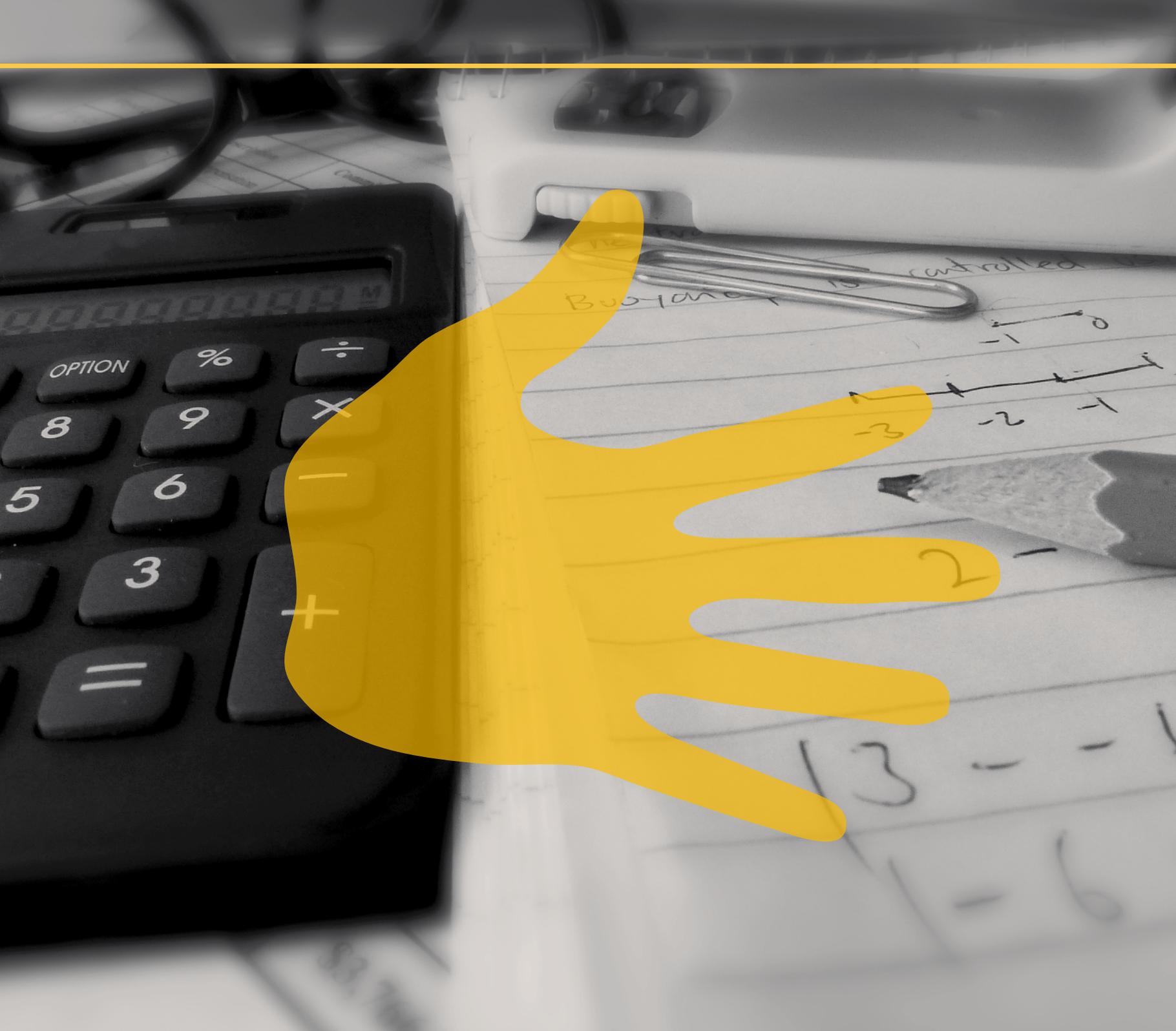
the number of high schools and universities approached and extend the Project's geographical reach in order to target as diversified a student population as possible. Moreover, in this period the Outreach Programme will begin the transfer of ownership over this project to local actors – high school teachers and youth/educational/human rights NGOs – that will be trained to continue implementing the project after 2017.

Another important area of the Outreach phase-out strategy will be the development of an ICTY Legacy website, largely based on material contained in the ICTY archives. New features will be designed to draw attention to and raise awareness about the ICTY legacy, and will therefore be suitable to assist future projects of the information centres or other relevant local actors.

In addition, the Outreach Programme will complete its series of documentaries so as to provide an overview of significant aspects of the

Tribunal's work. These documentaries will be ready for screening in a variety of settings. They will retain a unique educational value and represent the Tribunal's achievements from the Tribunal's perspective in years to come.

In concluding, the Outreach Programme would like to express its deepest gratitude to all those individuals who have taken the time to participate in its initiatives, attend its documentary screenings, listen to its lectures and seminars, ask questions and challenge the Tribunal's representatives with their comments. We wish to thank the hundreds of teachers who have opened the doors of their classrooms to the Outreach team, and, of course, their students. We also wish to thank all the NGOs and other organisation that have advocated for the Tribunal and supported its work with both praise and criticism. We do hope that their interaction with the Tribunal has been worthwhile and has fostered a more informed view of the ICTY's achievements.



Annexes

- 86** Publications
- 87** Documentaries
- 88** Youth Outreach Project
- 88** Visits
- 89** Web
- 89** Social media
- 90** Donor contributions

Publications

Outreach produces **information materials** in the languages of the former Yugoslavia, which present complex legal issues accurately and in easily understandable terms. Over the last **15 years**, Outreach has produced **13 publications**.



2003-2004 - *Pitanja i odgovori o Haškom tribunalu* (Frequently Asked Questions): 2,000 BCS



2012 - Manual on ICTY's Developed Practices: 300 Albanian

Outreach Annual Reports



2011 – 500 English, 500 BCS, French online version only



2012 – 1,000 English, 1,000 BCS, 200 French



2013 – 1,000 English, 1,000 BCS, 200 French

Youth Outreach



2013 - Reaching Out to the Next Generation: 2,000 English, 2,000 BCS, 500 Albanian



2014 - The Tribunal and the Next Generation: 2,000 English, 2,000 BCS, 500 Albanian



2013 - Our Tribunal: 1,000 English, 1,000 BCS

Legacy Publications



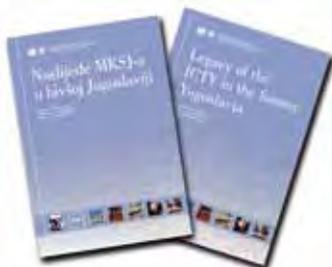
2010 - Bridging the Gap: 2,500
Set of five bilingual books (English/BCS)



2011 - Assessing the Legacy of the ICTY:
5,500 BCS



2011 - ICTY Global Legacy:
2,000 English, 2,000 BCS



2013 - Legacy of the ICTY in the former Yugoslavia: 1,000 English, 1,000 BCS



2014 - 20 Years of the ICTY:
2,700 English, 2,700 BCS

Documentaries

Outreach produced **4 documentaries** and **15 short video features**. The documentaries were screened on **33 occasions** in **15 towns** across the former Yugoslavia. Over **20 TV networks** from region broadcast the documentaries on more than **100 occasions**. Over **160,000 people** viewed our documentaries through ICTY's YouTube Channel.



2012
Inside the Tribunal:
1,500 English, 300 BCS,
100 Albanian /Macedonian



2012
Sexual Violence
and the Triumph of
Justice:
3,300 English/BCS



2013
Crimes before the
ICTY: Prijedor:
1,500 English/BCS



2013
Through Their Eyes:
1,500 English/BCS



2014
Crimes before the
ICTY 2014: Central
Bosnia:
3,300 English/BCS

Youth Outreach Project

Statistics up to December 2015

Through **presentations** and **lectures** about the ICTY and related transitional justice issues, Outreach has reached over **8,900** high school and university students and **200** educators throughout the countries of the former Yugoslavia.

University lectures

	Students	Lectures
Bosnia and Herzegovina	1,292	26
Croatia	642	12
Former Yugoslav Republic of Macedonia	551	12
Kosovo	445	8
Montenegro	410	10
Serbia	675	16
TOTAL	4,015	84

High School presentations

	Students	Lectures
Bosnia and Herzegovina	1,545	51
Croatia	1,416	39
Former Yugoslav Republic of Macedonia	-	-
Kosovo	1,406	40
Montenegro	270	5
Serbia	255	5
TOTAL	4,892	140

Visits

Statistics up to December 2015

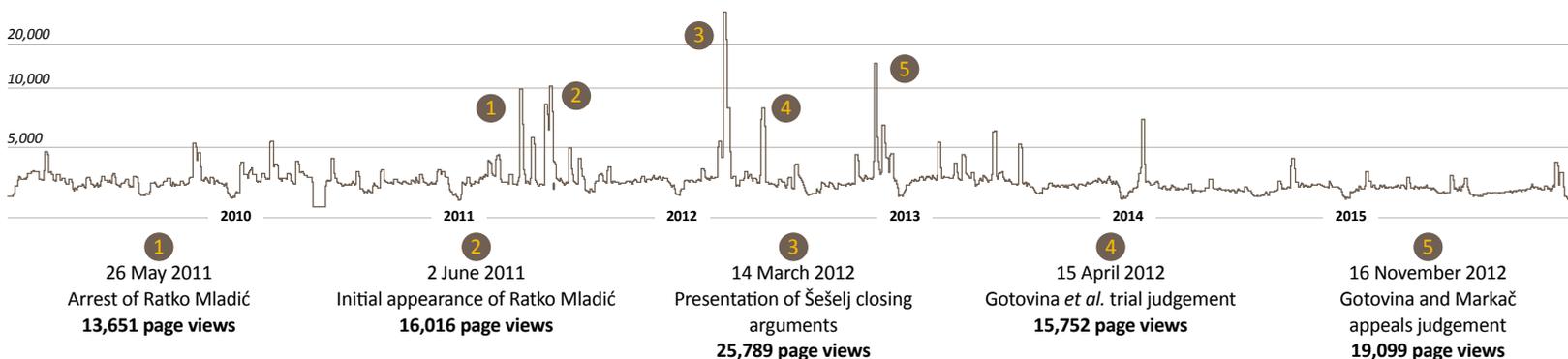
Outreach has facilitated over **4,200** educational visits. More than **105,000** students and professionals visited the ICTY and received tailored briefings on the Tribunal's work and achievements.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	TOTAL
Educational																	
Groups	104	123	215	220	217	256	249	248	263	286	268	289	335	339	283	299	3,994
Visitors	2,327	2,616	5,149	5,161	5,062	6,342	6,342	6,228	7,069	7,077	6,513	8,194	8,963	8,683	7,559	7,673	100,958
Outreach																	
Groups	3	11	13	19	9	15	9	17	21	21	21	25	14	15	13	11	237
Visitors	20	128	197	311	122	264	186	291	279	419	442	457	271	392	172	160	4,111

Web

Statistics up to December 2015 and since January 2009

Total **22 million** page views of which **23%** (5 million page views) came from the **former Yugoslavia**.



Social media

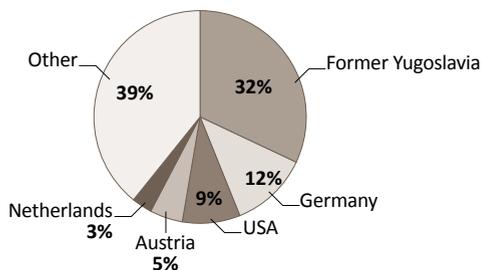
Statistics up to December 2015



[youtube.com/ICTYtv](https://www.youtube.com/ICTYtv)

Since October 2010

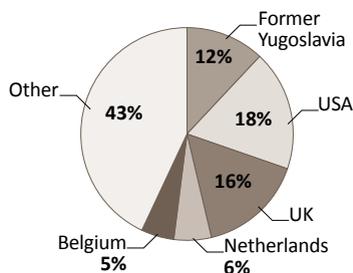
2,485,418 Views



twitter.com/ictynews

Since October 2010

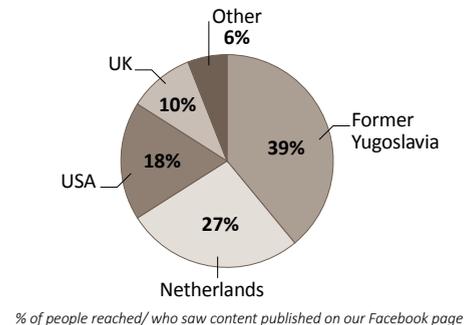
6,578 Followers



[facebook.com/ICTYMKSJ](https://www.facebook.com/ICTYMKSJ)

Since May 2012

5,417 likes



Donor contributions

Since its inception in 1999, the Outreach Programme has not been included in the Tribunal's core budget, and therefore, its existence and activities have been largely dependent on voluntary donor contributions.

The European Union has been our most generous and long-standing supporter, and has, through its kind contributions ensured funding of the Outreach Programme since its establishment in 1999.

Over the years, the Outreach Programme has also enjoyed generous support from a number of national governments and non-governmental organisations for implementation of various Outreach activities and projects.

We would like to use this opportunity to express our sincere gratitude to all of our donors, without whose support none of the achievements listed in this publication would have been possible*: the United States of America, McArthur Foundation, Finland, the Netherlands, the United Kingdom, European Commission, Norway, Luxembourg, Portugal, Canada, OSCE/ODIHR, UCLA School of Law, Switzerland, the Republic of Korea, Open Society Justice Initiative and the City of The Hague.

*Listed in chronological order of contributions

Overview of donors and contributions to the Outreach Programme

(including Outreach-related and capacity building activities of the Office of the President)

European Commission	\$8.4 million
OSCE/ODIHR	\$1.6 million
USA	\$500,000
Finland	\$370,000
Canada	\$260,000
Norway	\$215,000
McArthur Foundation	\$200,000
Netherlands	\$190,000
UK	\$180,000
Switzerland	\$120,000
UCLA School of Law	\$50,000
Luxembourg	\$40,000
Republic of Korea	\$15,000
Portugal	\$10,000
Open Society Justice Initiative	\$7,000
City of The Hague	\$6,000

Total: \$12.2 million

OUTREACH

15 years of Outreach at the ICTY

Over the last 15 years, the Outreach Programme of the International Criminal Tribunal for the former Yugoslavia (ICTY) has worked to make the Tribunal's proceedings accessible to people in the region; to bridge the gap between the Tribunal's courtrooms and the individuals who had been most affected by the crimes under its jurisdiction; and to open a dialogue with both its supporters and detractors.

On the occasion of the 15th anniversary of the ICTY Outreach Programme, and at a time when the Tribunal prepares to complete its mandate, this publication provides an overview of the activities, techniques and projects developed by the ICTY Outreach Programme at different stages of its existence and, possibly, a model for similar institutions.



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