

## INTERNATIONAL CRIMINAL TRIBUNALS

### a) International Criminal Tribunal for the former Yugoslavia

Canada is a strong supporter of the International Criminal Tribunal for the former Yugoslavia, which was established by the UN Security Council to prosecute individuals alleged to have committed serious violations of international humanitarian law, including war crimes, crimes against humanity and genocide. The Tribunal is based in The Hague. Madame Justice Louise Arbour (formerly of the Ontario Court of Appeal) serves as the Chief Prosecutor. US judge Gabrielle Kirk McDonald was elected as the new President of the Tribunal in November 1997.

*Apprehension of Indictees:* The number of indictees in custody has swelled, due to the pressure on states and entities in the region to cooperate and the willingness of the international community to make arrests. Arrest operations have been carried out by international forces (particularly UK, US and Dutch SFOR troops) since June 1997 bringing the total number of arrests to nine. These arrests and the demonstrated fairness of the Tribunal hearings, have triggered a wave of voluntary surrenders. Since October 1997, 14 indictees have surrendered, with the most recent surrender occurring on April 16. Eight have been detained by international forces. As a result, the Tribunal now has 29 indictees in custody.

*Finance:* In December 1997, the UN General Assembly approved a dramatic budget increase for the Tribunal, to enable the Tribunal to handle its increased workload. The \$64 million budget was approved following Fifth Committee discussions chaired by Canada. This has enabled the Tribunal to hire more personnel. On June 12, 1998, the ICTY inaugurated its third courtroom.

*Kosovo:* Following the outbreak of violence in Kosovo, the Chief Prosecutor issued a press release noting that the jurisdiction of the Tribunal extends to violations of humanitarian law in the territory of the former Yugoslavia since 1991, therefore including the events in Kosovo. She confirmed that the Tribunal is gathering information and evidence and monitoring that situation. However, this investigation has been seriously undermined by the Government of the Federal Republic of Yugoslavia's refusal to cooperate with the Tribunal's investigations in Kosovo despite Security Council Resolution no.1160. As a result, three indicted persons (Mile Mrksic, Miroslav Radic, and Veselin Sljivancanin) from the F.R.Y. who have been charged with serious violations of international humanitarian law have not been arrested almost three years after the issuance of arrest warrants.