

WAR CRIMES IN THE FORMER YUGOSLAVIA

1. The International Tribunal

At the London Conference in August 1992, Canada was one of the first countries to call for an International Tribunal to try charges of war crimes committed in the former Yugoslavia. At the October meeting of CSCE Ministers in Stockholm, the then Secretary of State for External Affairs also endorsed the creation of a war crimes tribunal.

On February 22, 1993 the UN Security Council (UNSC) adopted Resolution 808, which established a war crimes tribunal to prosecute those responsible for serious violations of international humanitarian law in the former Yugoslavia. The Secretary-General was asked to report on how the tribunal might operate. On May 25, 1993 the UNSC adopted Resolution 827 approving the Secretary-General's report and adopting the Statute of the International Tribunal annexed to the report.

The Tribunal, as set out in the Statute, consists of 11 judges elected for a 4/4 year term. Elections took place at the UN General Assembly in September. Canada's candidate, Judge Jules Deschênes, was elected on the first ballot with the second-highest vote count among 23 candidates. The Tribunal will commence operations on November 17; its first task will be to establish a set of procedural and evidentiary rules. Substantive activities are expected to commence in early 1994. The seat of the tribunal has (at least for now) been determined as The Hague, Netherlands. The question of funding remains open. A Chief Prosecutor is yet to be chosen.

The Department of Justice is currently studying measures necessary under Canadian law to implement the provisions of Article 4 of the Resolution 827, particularly those concerning extradition, transfer or surrender of persons to the tribunal and future "requests for assistance or orders issued by a trial chamber".

Canada has offered to the international tribunal the services of a team of lawyers and investigators, to be seconded from its Departments of Justice and National Defence.