

INTERNATIONAL CRIMINAL TRIBUNAL

Canada is a strong supporter of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, which were established by the UN Security Council to prosecute individuals responsible for serious violations of international humanitarian law, including war crimes, crimes against humanity and genocide. The two Tribunals have the same Prosecutor, Madame Justice Arbour (formerly of the Ontario Court of Appeal), and also share an Appellate Chamber. The Yugoslav Tribunal is based in The Hague and the Rwandan Tribunal is based in Arusha, Tanzania.

a) International Criminal Tribunal for the former Yugoslavia

The International Criminal Tribunal for the former Yugoslavia was created by Security Council resolution 827 (1993) for the purpose of prosecuting persons responsible for serious violations of international humanitarian law on the territory of the former Yugoslavia. Canada has made financial contributions totalling over \$1,000,000 to the Yugoslav Tribunal, and several Canadians are presently working for the Tribunal in a variety of capacities.

Since its inception, the most serious impediment to the effective functioning of the Tribunal has been the inability to obtain custody over suspects. In June 1997, suspected war criminal Dokmanovic was arrested in Eastern Slavonia in a joint operation between the United Nations Transitional Administration for Eastern Slavonia (UNTAES) and the Office of the Prosecutor. In July 1997, SFOR forces (the British SAS) detained suspected war criminal Kovacevic at a hospital in Prijedor. In a separate action, SFOR forces (also the SAS) approached and challenged suspected war criminal Drljaca. Drljaca fired at them, and SFOR troops returned fire in self-defence, as a result of which Drljaca later died. Canadians were not involved in these operations. All three men had been indicted in "sealed" or non-public indictments, pursuant to the Rules of Procedure of the Tribunal. US and UK spokespersons have emphasized they will continue to take steps to ensure implementation of Dayton, leaving the door open to more arrests. SFOR has been playing a more active role in the region, taking steps to limit the ability of hardliners to derail implementation of the Dayton peace agreement.

The Trial Chamber's decision in the *Tadic* case was handed down on May 7, 1997. Tadic was found guilty on 11 counts of persecution and beatings, in circumstances amounting to war crimes and crimes against humanity. He was found not guilty of 9