

Joint Preliminary Conclusions of OHR and ICTY Experts' Conference on Scope of BiH War-Crimes Prosecutions

The President of the International Criminal Tribunal for the Former Yugoslavia, Judge Claude Jorda, and Senior Deputy High Representative and Head of the Rule of Law Pillar, Bernard Fassier, today concluded a technical conference at the level of senior experts on the scope of War Crimes Prosecutions in BiH. The conference addressed what needs to be done in order to enable the effective prosecution of war-crimes cases in BiH.

Jointly convinced of the importance and urgency of the matter, the ICTY and the OHR, working in a constructive and cooperative manner, considered the parameters and scope of this issue. The meeting sought to give the International Community a better understanding of the technical requirements of this project, including the number of cases that will have to be considered and the financial burden of developing such a capacity.

The following preliminary conclusions have been reached:

- The most appropriate institution for the trial of such war crimes in the country would be a specialized chamber within the state Court of BiH;
- This chamber will have jurisdiction over cases deferred by ICTY and the most sensitive war-crimes cases pending before national institutions;
- As a component of the Court of BiH, this chamber will be a national institution with temporary international participation;

- Funding and facilities necessary for such a project were identified and considered. These requirements will have to be determined and addressed by the International Community as well as its BiH partners;
- A comprehensive witness and magistrate protection program will be an essential part of this project;
- The creation of this specialized chamber will be included in the currently ongoing consultations between OHR and local authorities regarding the State Court of BiH and the Office of the Prosecutor of BiH.

Due to the presence in Sarajevo of Javier Solana, the Secretary General of the Council of the European Union/High Representative for the Common Foreign and Security Policy, and Greek Foreign Minister George Papandreou, on the occasion of the EUPM inauguration, the Co-Chairs took the opportunity to inform them of the progress of the working group. They also informed the European Union ambassadors. The preliminary conclusions will be presented to the Peace Implementation Council Steering Board at its meeting at the end of January, 2003.

A further meeting of the working group will be held in The Hague during the week of 17 February, 2003, in order to finalize the proposals of the group. These proposals will be presented jointly to the United Nations Security Council at the earliest opportunity.