Basic information

2008/2290(INI) INI - Own-initiative procedure	Procedure completed
Mandate of the International Criminal Tribunal for the former Yugoslavia **Subject** 6.10.04 Third-country political situation, local and regional conflicts 6.40.03 Relations with South-East Europe and the Balkans 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs	NEYTS-UYTTEBROECK Annemie (ALDE)	07/10/2008

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
External Relations	FERRERO-WALDNER Benita

Key events

Date	Event	Reference	Summary
03/09/2008	Non-legislative basic document published	B6-0417/2008	Summary
18/12/2008	Committee referral announced in Parliament		
24/02/2009	Vote in committee		Summary
27/02/2009	Committee report tabled for plenary	A6-0112/2009	
11/03/2009	Debate in Parliament		
12/03/2009	Decision by Parliament	T6-0136/2009	Summary
12/03/2009	Results of vote in Parliament		
12/03/2009	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2290(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o-p3
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/68143

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Non-legislative basic document		B6-0417/2008	03/09/2008	Summary
Committee draft report		PE418.354	04/02/2009	
Committee report tabled for plenary, single reading		A6-0112/2009	27/02/2009	
Text adopted by Parliament, single reading		T6-0136/2009	12/03/2009	Summary

Mandate of the International Criminal Tribunal for the former Yugoslavia

2008/2290(INI) - 12/03/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 558 votes to 23, with 14 abstentions, a recommendation to the Council of 12 March 2009 on the mandate of the International Criminal Tribunal for the former Yugoslavia. It recalls that the a new decision of the UN Security Council is needed in order to extend the mandate of the Tribunal, since the latter has indicated that it will be unable to complete the first-instance trials before late 2009, partly because of the great number of appeals. The Tribunal has devised a "completion strategy", the purpose of which is to ensure that it concludes its mission successfully, in a timely way and in coordination with domestic legal systems in the countries concerned. The current goal is to complete all proceedings (trials and appeals) by 2011, with a slight spill-over into 2012. In order to achieve these results, the Tribunal is focussing on the most senior leaders suspected of being responsible for crimes committed within its jurisdiction, and has transferred cases brought against intermediate and low-level accused to competent national jurisdictions. Whilst the referral of cases has had a substantial impact on the overall workload of the Tribunal, factors beyond its control have caused delays and further unforeseen delays cannot be ruled out.

The two remaining indictees, Ratko Mladić and Goran Hadžić, must be brought to justice, and their apprehension will depend on the mandatory cooperation of States. The committee notes that outstanding cases must be tried without being subject to unrealistic time pressures, since such pressures might prejudice the right of the accused to a fair trial.

In view of these factors, certain recommendations are addressed to the Council, the principal points being as follows:

- the Tribunal’s work will not be fully achieved unless on-going trials can be concluded without undue haste and the two remaining indictees, Ratko Mladić and Goran Hadžić, are brought to justice and tried;
- the quest for increased speed of proceedings should not be pursued at the expense of due process. The legacy of the Tribunal will be measured not only by whether it succeeds in judging those responsible for the most serious crimes but also by whether it does so in accordance with the strictest standards of fairness;
- the date fixed for achievement of the completion strategy contributes to the productivity of the Tribunal, but, if the trial of Ratko Mladić et Goran Hadžić is to proceed, that date cannot in any way constitute a deadline for the activities of the Tribunal;
- the Council is asked to examine whether a 2 -year extension of the mandate of the Tribunal should be envisaged and whether this would be sufficient;
- the UN Security Council should be encouraged to commit itself to providing sufficient resources and support to the Tribunal through the general budget of the UN until the end of the Tribunal's mandate;
- the Council should continue to support the Tribunal's efforts to get the countries in question to expedite efforts to capture the two remaining indictees, as well as to clarify with the UN that the two remaining fugitives must be tried by either the Tribunal or by the residual mechanisms, therefore avoiding any suggestion of impunity;
- key documents vital for the prosecution of General Ante Gotovina, Mladen Markać and Ivan Čermak should be handed over by the authorities responsible. Recent calls made by the Tribunal's Chief Prosecutor Serge Brammertz for relevant missing documentation to be located and made available to the Tribunal should be complied with;

- recalling the Copenhagen criteria, the Council should set clear norms for evaluating the performance of the judiciary in the countries of the Western Balkans after the Tribunal's term comes to an end. Members call on the EU to increase its support for domestic war crime investigations and trials;
- Members call on the Council to consider an increase in its support for the continuation strategy of the Tribunal, and call for increased cooperation between the judicial and prosecutorial bodies in the Western Balkans, in particular in cases involving extradition and mutual legal assistance;
- the Council is invited to pursue, within the appropriate UN structures, the procedures envisaged for a mechanism for dealing with the residual functions, such as witness protection, and contempt of court issues. A proposal should be put to the UN Security Council for the possible setting-up of a joint office to deal with the future residual functions of the Tribunal and of the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone;
- the EU should take a particular interest in securing the legacy of the Tribunal by ensuring that its archives are safely stored, possibly in the region of the Western Balkans, that documentation is accessible on the world-wide web;
- the legacy of the Tribunal should also be linked to the overall reconciliation process. The Western Balkan states and the EU should support the work of non-governmental organisations and other institutions that aid victims, promote inter-ethnic dialogue, and aid the pursuit of truth and reconciliation.

Mandate of the International Criminal Tribunal for the former Yugoslavia

2008/2290(INI) - 03/09/2008 - Non-legislative basic document

Pursuant to Rule 114(1) of the Rules of Procedure of the European Parliament, Annemie **NEYTS-UYTTEBROECK** (ALDE, BE), Sarah **LUDFORD** (ALDE, UK) and Jelko **KACIN** (ALDE, SI), on behalf of their political group, have drafted a proposal for a recommendation on the mandate of the International Criminal Tribunal for the former Yugoslavia.

The proposal for a recommendation stresses that the Tribunal has already made a significant contribution to a process of reconciliation in the Western Balkans but that its work is still unfinished. Therefore, MEPs call on the Council to:

- urgently explore possibilities to extend the mandate of the Tribunal so that all the ongoing trials can be examined without undue haste and the remaining indicted war criminals can be brought to justice and the cases against them tried;
- devise a strategy on how to deal with remaining fugitives should the UN fail to extend the mandate of the Tribunal;
- clarify how the EU will judge the performance of the justice sector in the countries of the Western Balkans after the possible end of term of the Tribunal and what measures the EU can take to increase support for domestic war crime investigations and trials.