

## **The International Criminal Tribunal for the former Yugoslavia (On the Issue of Justice in the Balkans)**

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According to the Statute of ICTY genocide means any of following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of a group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group [1].

The ICTY was the first war crimes court created by the UN and the first international war crimes tribunal since the Nuremberg and Tokyo tribunals. It was established by the Security Council in accordance with Chapter VII of the UN Charter. The International Criminal Tribunal for the former Yugoslavia (ICTY) has the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The International Tribunal has the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, compelling a prisoner of war or a civilian to serve in the forces of a hostile power, wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial, unlawful deportation or transfer or unlawful confinement of a civilian, taking civilians as hostages [1].

While the most significant number of cases heard at the Tribunal dealt with alleged crimes committed by Serbs and Bosnian Serbs, the Tribunal investigated and brought charges against persons from every ethnic background. Convictions had been secured against Croats, as well as both Bosnian Muslims and Kosovo Albanians for crimes committed against Serbs and others.

The tribunal was established as an ad hoc court. While operating at full capacity, the Tribunal is working towards the completion of its mandate. The ICTY is made up of three main branches: the Chambers, the Registry, and the Office of the Prosecutor. The Chambers are organized into three Trial Chambers and an Appeals Chamber. Each Trial Chamber is composed of three permanent judges and a maximum of six ad litem judges. Ad litem judges are appointed by the UN Secretary-General at the request of the President of the Tribunal to sit on one or more specific trials, allowing for efficient

use of resources in accordance with the court's changing caseload. Article 12(1) of the Tribunal's Statute allows the appointment of a maximum of 12 ad litem judges. As required by the Tribunal's Statute, judges are persons of high moral character, impartiality and integrity who possess the qualifications required for appointment to the highest judicial offices, with experience in the fields of criminal law or international law, including international humanitarian law and human rights law. The offices of the Registry are responsible for bringing witnesses to testify in court, protecting them when necessary and providing them with expert psychological support. The prosecutor is able to initiate proceedings.

The ICTY aims to concentrate on the prosecution and trial of the most senior leaders, while referring a certain number of cases involving intermediate and lower-ranking accused to national courts in the former Yugoslavia. Simply by removing some of the most senior and notorious criminals and holding them accountable the Tribunal has been able to lift the taint of violence, contribute to ending impunity and help pave the way for reconciliation [2].

“Peace without justice can not be sustainable. It is a terrible mistake to believe that people will simply forget. Even after a hundred years, sometimes even after several hundreds of years.” The consequences of unrepentant religious and national hatred which led to brutal escalation of the conflict in the countries of former Yugoslavia showed the world one more time that the justice for those who are seeking for it must be found.

Serbia's prime minister has recently received the official report from the European Commission recommending the country to become a candidate to join the EU. It is being seen as a reward for Serbia's rounding up of war-crimes fugitives and the democratic reforms the country has introduced lately.

### **Литература**

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