



War Crimes Justice Project

This 4-million Euro project, funded by the European Union and implemented jointly by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the International Criminal Tribunal for the former Yugoslavia (ICTY), and the United Nations Interregional Crime and Justice Research Institute (UNICRI), together with the OSCE field operations in the region, has successfully transferred knowledge on war crimes cases from the ICTY to the region and supported the consolidation of the capacity of national jurisdictions handling the war crimes caseload.

Meeting Needs

The War Crimes Justice Project, which ran for 18 months – from May 2010 to October 2011 – addressed the needs and capacity gaps identified during a nine-month needs assessment, during which the three project partners asked the region’s legal practitioners to define the challenges they face in handling the war crimes caseload and the best means of bridging capacity gaps and increasing the effectiveness of their work. On the basis of the recommendations made in the needs assessment final report (September 2009), the project developed the tools, implemented the activities and carried out the training identified by justice actors from the region as most needed.

“The great importance of the War Crimes Justice Project is that it succeeded in providing support to judicial institutions, in a very practical way and covering a wide range of needs. Enhancing the capacity of the institutions which are prosecuting war crimes, exchanging experiences between justice actors from the region and the ICTY, and transferring relevant materials from the ICTY – these interventions have helped resolve the outstanding issues in this field.”

Judge Meddžida Kreso, President of the Court of Bosnia and Herzegovina

Project Focus Areas

Access to the ICTY’s materials and expertise

The ICTY produced over 60,800 pages of transcripts of the proceedings identified as most relevant by national legal institutions in local languages. More than 18,500 of these were produced in response to specific requests from courts and prosecutors in the region. By the end of 2011, these transcripts will be made available on the ICTY’s Court Records Database and relevant case pages on the ICTY website, ensuring that the transcripts remain accessible not only to legal professionals but also to the public at large long after the Tribunal has completed its work. The availability of these transcripts in local languages greatly enhances the ability of local professionals to access and use testimony given before the Tribunal and is part of the public legacy of the Tribunal.

“Having transcripts available in our language greatly facilitates the processing of war crimes cases and allows prosecutors to build on and better utilize the work of the ICTY in accordance with our legal framework. By using this evidence material locally, we truly carry on the legacy of the Tribunal.”

Vladimir Vukčević, War Crimes Prosecutor of Serbia

In addition, 200,000 words of the Tribunal’s Appeals Chamber Case Law Research Tool, which is a compilation of the Chamber’s most important decisions, have been translated into local languages, enabling lawyers and the public in the region to access and search the Tribunal’s jurisprudence more effectively.

The Manual on International Criminal Defence completes the circle, by making the knowledge and experience of the Association of Defence Counsel practicing before the ICTY (ADC-ICTY) available to defence lawyers handling war crimes cases. Developed by UNICRI and the ADC-ICTY, this practice-oriented reference tool is targeted at defence counsel working on war crimes cases in the region’s courts. This first-of-its-kind publication will be of relevance to a wide range of stakeholders within the region and beyond.



Developing curricula and materials

The first-ever training curriculum on international criminal law and practice for local justice actors in the region was developed with the International Criminal Law Series (ICLS) in partnership with local judicial and prosecutorial training institutions and in consultation with national and international experts. It provides the ever-growing number of local expert trainers with a wealth of tailor-made materials, resources and methodological suggestions. The training curriculum brings ICTY jurisprudence together with the region's developing body of domestic war crimes jurisprudence and provides training institutions with a platform for the sustainable delivery of training programmes for war crimes justice actors.

"Such a comprehensive and updateable training curriculum, with a wealth of examples from ICTY and domestic jurisprudence, is something that was missing in the practitioners' legal training in the region. The curriculum has already helped me greatly in the preparation of training I recently delivered to my junior colleagues."

Judge Siniša Važić, Vice-President of the War Crimes Department of the Belgrade Appellate Court

The training and e-learning portal developed by UNICRI provides legal practitioners and judicial and prosecutorial training institutions in the region with much-needed online access to war crimes-related information. This includes a range of databases and tools, as well as an e-learning course on international criminal law and practice, based on the training curriculum. It can be accessed at: <http://wcjp.unicri.it/>

Professional development

The project included a range of regional and national activities, such as peer-to-peer meetings and working visits, designed to facilitate the professional development of legal professionals working on war crimes cases in the region. Training was also provided on specific topics of international criminal law, the use of analytical tools and working with vulnerable witnesses. Advanced training was provided on specific topics of international criminal law. Over 800 justice professionals participated in project training events.

"The transfer of knowledge and exchange of experience among prosecutors working on war crimes cases is very important for us. Regional peer-to-peer meetings organized by the WCJP are contributing to the valuable exchange of experience among the region's prosecutors and between the region's prosecutors and our colleagues from the ICTY. These meetings are not just forums for discussion of legal issues, but a means to strengthen co-operation with our colleagues in the entire region."

Ibro Bulić, Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina

Bolstering staffing capacity in key areas

During the course of the project, 32 support staff were embedded in the justice institutions of Bosnia and Herzegovina, Croatia and Serbia to bolster capacity in key areas, including prosecutorial analysis and legal research. National institutions had identified the provision of additional support staff as a fundamental need for dealing effectively with complex war crimes cases. The project placed these personnel within existing institutional structures as full-fledged staff members, responsible directly to the hosting institutions. Training and support were provided throughout the life of the project so as to promote the retention of these staff after its closure. In Serbia, for example, the majority of these personnel will be retained by justice institutions, underlining that a genuine need has been addressed.

"The support staff have been assisting us in tasks related to war crimes cases. Their analysis of the current state of play in the domestic prosecution of war crimes cases, collection of data and communication with NGOs in Croatia has greatly improved the work of the Ministry."

Kristijan Turkalj, Ministry of Justice of Croatia

The War Crimes Justice Project has assisted national authorities in strengthening capacity in their jurisdictions to handle war crimes trials in an effective and fair manner, consistent with the highest international standards of due process. Maintaining a full commitment to local ownership throughout the process, the project has ensured that national judiciaries have ready access to relevant ICTY materials in their own languages and has developed materials, platforms and capacity for effective local ownership and management of national training agendas, and enhanced processing of war crimes cases.

"I am very pleased that the European Union has supported the War Crimes Justice Project. The development of justice systems in the countries of the Western Balkans in accordance with accepted rule of law standards and the ability of those systems to effectively address their war crimes case loads are among key objectives in the European integration process. By funding this major project, the European Union supports the war-affected states in the region in advancing in this process."

Štefan Füle, EU Commissioner for Enlargement and Neighbourhood Policy

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