**1. THE DEVELOPMENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY):**

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| **Background:**   * Established by UN Resolution 827 in 1993 * Brief to investigate specific crimes within the whole of Yugoslavia (Geneva Convention, crimes against humanity etc) that relate to the conduct of war * Set time frame to prosecute (end of 2015) * First such tribunal since the Nuremburg and Tokyo trials (different to Rwanda as a war tribunal) * Its remit been expanded outside of the official war to include post war violence, such as in Kosovo 1999-2001 * Several branches including the judges (who run and administer the trials) and the prosecutors who investigate and argue the case against the accused. | |
| **Initial Actions in Kosovo**   * Investigated the Drenica massacre by Serbians in 1998 * Yugolav government refuse to cooperate as see it as an internal matter (terrorism) not war crime. * Finnish investigators banned from entering Kosovo to investigate the Gornje Obrinje massacre. * In Jan 1999, the chief prosecutor of the ICTY also barred from investigating Racak by the Serbian authorities. | **The Impact of the NATO bombing Campaign**   * Increased, public, focus on investigating actions of the military. * The ICTY makes a public statement – officers who give orders for ethnic cleansing will be held individually accountable (attempting to put a break on the escalation of ethnic cleansing/Operation Horse Shoe) |
| **The Indictment of the Yugoslavian Leadership**  **On the 27th May 1999**:   * Milosevic * Milutonovic (President Serbia) * Chief of Staff of Yugoslav Army, Deputy PM and Minister of Internal Affairs   Reflects reality that the NATO bombing was escalating crimes against humanity in Kosovo – aim to restrain local commanders.  Court had already been active in arresting and prosecuting actors in the Bosnian conflict so the threats seemed meaningful (including high level Croat diplomats and Bosnian Serb leaders) | |
| **Role of Carla Del Ponte**   * Chief Prosecutor from 1999-2007 – she had also led the Rwanda tribunal. * Successfully won the right to prosecute post-conflict murderers (such as those committed by the KLA members against the Roma) * Reported in investigations to UN Security Council in 1999 successfully highlighting the atrocities committed to the world. | |

**2. THE DISPENSING OF JUSTICE IN KOSOVO (THE ROLE OF LOCAL COURTS):**

*Use pages 243-245 and answer the questions below:*

- Despite manageable numbers of prosecutions, why did the local courts face criticism in their attempt to give justice?

- How were the accused individuals from the KLA dealt with? (244)

- Why were KLA leaders generally acquitted?

- What were the findings of the Human Rights Watch?

- Who is Del Ponte?

- What were some of her major achievements?

**3. WHAT WAS THE FATE OF MOLOSEVIC?**

*Watch 39:20 onwards and make some notes below:*

Milosevic died of a heart attack before the verdict in his trial could be established in March 2006. This means that he was never found guilty – however, the high profile nature of his trial, as well as the exhaustive evidence collected, left little doubt in the minds of the world of both his guilt and the extent of the atrocities that were committed in the region.

**4. MAKING A JUDGMENT: WHAT WERE THE ACHIEVEMENTS OF THE ICTY?**

*p.g. 249*

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| ARGUMENTS AGAINST | ARGUMENTS IN FAVOUR |
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