Twenty-second session of the Human Rights Council

High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action

Talking points by Carla Del Ponte

Main achievement of the VDPA and developments since then.

Main achievement in the protection of human rights is the deferral to justice of the most political and military responsables for the commission of crimes against humanity, war crimes and genocide:

The creation of the Tribunal ad hoc ICTY (1993) and ICTR (1994) is a great success of international justice. The first generation of international criminal tribunals, to try those most responsible for the most serious crimes committed in the former Yugoslavia and in Rwanda, demonstrated clearly that impunity is no longer tolerated by the international community, following the Vienna Declaration.

Secretary General Kofi Annan in his report on the work of the Organisation, called the establishment of the ad hoc Tribunals "the most striking development at the international level over the past decade" which demonstrated the collective will not to allow grave violations of international law to go unpunished.

ICTY: 162 accused, all have been arrested and in trial. To take an example: one of the Trial Chambers in the Hague passed the first life-long imprisonment in the Tribunal’s history. Dr Milomir Stakic, the leading politician in the northeastern Bosnian town of Prijedor was held responsible for a brutal campaign of ethnic cleansing that led to death, detention and deportation of thousands of Bosnian Muslims. You may recall having seen in 1992 the images of emaciated men looking through barbed wires into the cameras of international TV.

Ethnic cleansing, or persecution, as we call it, is a crime against Humanity and is perhaps the most extreme form of human rights violations. It forms the core of what happened in the nineties in the former Yugoslavia. In the name of excessive national, racial, ethical or religious policies, people were expelled from their job, raped, tortured, deported, detained and killed, and that just because they did not belong to the right group as defined by the perpetrators.

Challenges in delivering justice:
1. Bringing senior and military leaders to justice.
3. The selection of suspects and transfer of information and cases to national prosecutors and courts.
4. Complexity of intern. investigations and prosecutions.
5. Protection of witnesses.

The Yugoslavia Tribunal inspired the establishment of the Rwanda Tribunal, the special war crimes tribunals or chambers for Sierra Leone, East Timor, Cambodia and Lebanon, and the permanent International Criminal Court. It also fostered the development of domestic war crimes
courts.

Peacemaking and nation-building efforts will neither make peace nor build nations unless they include, from their inception, a justice component to prosecute the worst violations of international humanitarian law on all sides, to end the culture of impunity, to make it clear to everyone that no one is above the law.