United Nations Secretary-General Mr. Ban Ki-moon

25th June, 2013

Your Excellency,

We are writing to you regarding recent developments that have significantly contributed to the erosion of the credibility of the International Criminal Tribunal for the Former Yugoslavia (ICTY). The latest in a series of such developments was a letter by Frederik Harhoff, a Danish judge serving at the ICTY, published on 13 June this year in the Danish magazine '*BT*'. In his letter, Judge Harhoff notes his observations and suspicions that Judge Theodor Meron, the President of the ICTY, exerted impermissible influence over other judges during the decision-making process in three cases tried by the ICTY: *Gotovina et al, Perišić,* and *Stanišić and Simatović*.

The general public in the former Yugoslavia and particularly those in communities that were affected by war, view Judge Harhoff's allegations as evidence of a mockery of justice by the most important UN tribunal. This is especially so, given that the publication of Harhoff's letter coincided with a growing erosion of trust in the ICTY and its ability to ensure justice for victims of crimes committed in the former Yugoslavia, which was triggered by the judgments delivered in the three cases noted above. Both the appearance of, and public suspicions of irregularities in the judicial decision-making process in these three cases serve to undermine the already modest progress that has been made toward establishing transitional justice mechanisms in the former Yugoslavia.

Convinced that the legacy of the ICTY will have a considerable impact on the process of reckoning with the past and thereby prospects for sustainable peace throughout the region, the signatories to this letter point out that the work of the ICTY is currently overshadowed by reasonable suspicions of irregularities and partiality in judicial decision-making in several recently delivered judgments. The possibility that some of the ICTY judges may have been guided by interests incompatible with the principles of justice and international humanitarian law when deciding on liability for the gravest crimes committed in the former Yugoslavia, seriously harms not only the reputation of the ICTY but also that of the UN, as its founder.

Judge Harhoff has never challenged the authenticity of the letter published in 'BT', nor has he retracted the opinions expressed in it. However, there has been no response to it thus far, only the veracity of his allegations has been questioned. It is because of all this that we, the undersigned, in the absence of any appropriate procedure in the ICTY Statute, urge you to use your authority to order a prompt and thorough inquiry, to establish beyond doubt if there has been a violation of articles 12 and 13 of the ICTY Statute, which guarantees the independence, impartiality, integrity and high moral character of judges serving at the ICTY. Without such an inquiry and the public presentation of its findings, doubts about the fairness of ICTY judgments will permanently mar the work of this important institution of international law. As a result,

development of international law as a whole would be irreversibly hindered and its undoubted achievements in the last two decades would be called into question.

Dženana Karup Druško, BH journalists, Bosnia and Herzegovina (BiH)

Sandra Orlović, Humanitarian Law Center, Serbia

Bekim Blakaj, Humanitarian Law Center - Kosovo

Mario Mažić, Youth Initiative for Human Rights – Croatia

Maja Mićić, Youth Initiative for Human Rights – Serbia

List of signatures:

- 1. Adis Šušnjar, journalist, BH
- 2. Admir Salihu, lawyer, Kosovo
- 3. Aleksandar Saša Zeković, human rights researcher, Montenegro
- 4. Alena Beširević, journalist, BH
- 5. Amir Ahmić, BH' liaison officer to ICTY, Netherland
- 6. Arman Fazlić, Web master, BH
- 7. Balkan Investigative Reporting Network
- 8. Bojan Tončić, journalist, Serbia
- 9. Boris Pavelić, journalist, Croatia
- 10. Borka Rudić, journalist, BH
- 11. Boro Kontić, director of Media Center, BH
- 12. Center for Advanced Legal Studies, Belgrade, Serbia
- 13. Center for Democracy and Transitional Justice, Banja Luka, BH
- 14. Center for Civic Education, Podgorica, Montenegro
- 15. Center for Peace and Women's education, Kotor, Montenegro
- 16. Center for Peace Studies, Zagreb, Croatia
- 17. Center for Peace, Nonviolence and Human Rights, Osijek, Croatia
- 18. Center for Protection of Human Rights and Tolerance Polimlje, Prijepolje
- 19. CHRIS Network of the Committees for Human rights, Niš, Serbia
- 20. Citizens Association of Bukovice and Pljevlja, Pljevlja, Montenegro
- 21. Civic Committee for Human Rights, Zagreb, Croatia
- 22. Civic Initiative, Pančevo, Serbia
- 23. ÇOHU! Organization, Prishtina, Kosovo
- 24. Council for Defense of Human Rights and Freedoms, Prishtina, Kosovo
- 25. Cultural Center Damad, Novi Pazar, Serbia
- 26. Damir Imamović, musician, BH

- 27. Dennis Gratz, lawyer, president of Our party, BH
- 28. Dino Mustafić, theatre director, BH
- 29. Documenta Centar for dealing with the past, Zagreb, Croatia
- 30. Đorđe Krajišnik, journalist, BiH
- 31. Dragan Pjevač, lawyer, Serbia
- 32. Dragoljub Vuković, journalist, Montenegro
- 33. Dražen Lalić, professor, Faculty of Political Science, University in Zagreb, Croatia
- 34. Dubravka Stojanović, professor, Faculty of Philosophy, University in Belgrade, Serbia
- 35. Dubravko Lovrenović, professor, Faculty of Philosophy, University in Sarajevo, BH
- 36. Dušan Topić, economist, Banja Luka, BH
- 37. Duška Jurišić, journalist, BH
- 38. Dževad Mahmutović, Faculty of Law, University in Tuzla, BH
- 39. Dževad Sabljaković, journalist and writer, France
- 40. Edin Šarčević, professor, University of Leipzig and Center for Public Law, BH
- 41. Eldar Dizdarević, journalist, BH
- 42. Eldin Hadzović, journalist, BH
- 43. Emil Prutina, journalist, BH
- 44. Enes Osmančević, professor, Faculty of Philosophy, University in Tuzla, BH
- 45. Esad Bećirović, Center for Civil Society development, BH
- 46. Faruk Borić, director of media agency FENA, BH
- 47. Faruk Kajtaz, editor of web portal STARMO, BH
- 48. Florence Hartmann, journalist and writer, former ICTY and ICTR spokesperson, France
- 49. Frosina Pandurska Dramikjanin, Macedonian Ecological society, Macedonia
- 50. Goran Miletić, Programme Director for Western Balkans, Civil Rights Defenders, Serbia
- 51. Gordana Igrić, journalist, Serbia
- 52. Hajrudin Somun, publicist, BH
- 53. Hariz Halilović, senior lecturer, Monash University, Australia
- 54. HOMO Pula, Croatia
- 55. Independent Journalists' Association of Vojvodina, Novi Sad, Serbia
- 56. Institute Alternativ, Podgorica, Montenegro
- 57. Izmirlija Midhat, Faculty of Law, University in Sarajevo, BH
- 58. Jasminka Hasanbegović, professor, Faculty of Law, University in Belgrade, Serbia
- 59. Jelka Jovanović, journalist, Serbia
- 60. Jeton Neziraj, playwriter, Kosovo
- 61. Kalabria, Prishtina, Kosovo
- 62. Kosovo Institute for Peace, Prishtina, Kosovo
- 63. Labris, Belgrade, Serbia
- 64. Lana Rizvanović, journalist, BH
- 65. Lawyers' Committe for Human Rights-YUCOM, Belgrade, Serbia
- 66. LGBT Forum Progress, Podgorica, Montenegro
- 67. Lush Krasniqi, activits for rights of victims, Kosovo
- 68. Majda Tatarević, journalist, BH
- 69. Marko Divković, journalist, BH
- 70. Masha Durkalić, journalist, BH

- 71. Mijat Lakićević, journalist, Serbia
- 72. Mikica Milojević, journalist, BH
- 73. Milena Savić, Center for informative and legal aid, Zvornik, BH
- 74. Miljenko Dereta, Member of Serbian Parliament and co-founder of Civic Initiatives
- 75. Muhamed Džemidžić, Human Rights House, Sarajevo, BH
- 76. Mujo Selimović, MIMS, d.o.o. Sarajevo, BH
- 77. Multimedia Center, Prishtina, Kosovo
- 78. Mustafa Mustajbegović, political scientist, BH
- 79. Nadežda Gaće, editor in chief Novi magazin, Serbia
- 80. Normela Hodžić Zijadić, Delegation of European Commission in BH, Sarajevo
- 81. Open Center Bona Fidae, Pljevlja, Montenegro
- 82. Praxis, Belgrade, Serbia
- 83. Rubina Čengić, journalist, BH
- 84. Sandra Dančetović, journalist, Serbia
- 85. Sandžak Committee for Protection of Human Rights and Freedom, Novi Pazar, Serbia
- 86. Saša Gavrić, Open Center Sarajevo, BH
- 87. Šejla Adžanela, economist, BH
- 88. Senadin Lavić, professor, University of Sarajevo, director of BZK "Preporod", BH
- 89. Serbian Democratic Forum, Zagreb, Croatia
- 90. Shkelzen Gashi, publicist, Kosovo
- 91. Sinan Alić, Foundation 'Truth, Justice, Reconciliation', Tuzla, BH
- 92. Srđan Dizdarević, Helsinki Committee for human rights, BH
- 93. Srđan Dvornik, publicist and human rights activists, Croatia
- 94. Syri i Vizionit, Peja, Kosovo
- 95. Tamara Nikčević, journalist, Serbia
- 96. Tarik Haverić, professor, Faculty of Law, University in Zenica, BH
- 97. Teki Bokshi, lawyer, Kosovo
- 98. Una Alikadić, Free Media Help Line, BH
- 99. Una Bejtović, PR consultant, BH
- 100. Urban In, Novi Pazar, Serbia
- 101. Veseljko Koprivica, journalist, Montenegro
- 102. Victimology Society of Serbia, Belgrade, Serbia
- 103. Vildana Selimbegović, editor in chief Oslobođenje, Sarajevo, BH
- 104. Violeta Beširević, professor, Faculty of Law, Union University in Belgrade, Serbia
- 105. Vjeran Pavlaković, professor, Faculty of Philosophy, University in Rijeka, Croatia
- 106. Vladimir Petrović, Netherlands Institute for War and Genocide Studies, University of Amsterdam, Netherlands
- 107. Vuk Bačanović, Magazin DANI, BiH
- 108. Women in Black, Belgrade, Serbia
- 109. Women's Safe House, Podgorica, Montenegro
- 110. Zdravko Grebo, professor, Faculty of Law, University in Sarajevo, BH
- 111. Željka Mihaljević, journalist, BH
- 112. Zlatiborka Popov Momcinović, professor, Faculty of Philosophy, University in Eastern Sarajevo, BH