



# Transitional Justice Bulletin

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## An interview with Carla Del Ponte

HLC: In light of your recent visit to Belgrade, 25-26 October 2007, how would you assess the authorities' level of cooperation with your Office?

CDP: From my recent meeting with the Belgrade authorities, I sense that a will to fully cooperate with my Office exists. I know that there are members of Government and senior officials who are working very hard to track down these war criminals. I also know that there are those who could do much more. Despite the difficulties they face, I hope invested efforts will soon lead to concrete actions. If the declared commitment is turned into more effective leadership and coordination between security services and if more concrete actions are undertaken, I will be able to inform the European Commission and the Union's Member States that there is progress in Serbia's level of cooperation with my Office.

HLC: You said that you "sense that a will to fully cooperate with my Office exists." What has changed? In what way is this greater will to fully cooperate evident?

CDP: Both President Tadić and Prime Minister Koštunica have made it very clear to me that they believe it is in the interest of Serbia to cooperate fully with the Tribunal and that they are determined to do all that is in their power to fulfil their international obligations. I agree with them and believe in their determination.

HLC: You also mentioned that there 'are those who could do much more to track down war criminals'. Who are these individuals and institutions?

CPD: As I am sure you will understand that for operational reasons, I am not able to discuss details. However, let me say this – my Office is now directly involved in the efforts to locate the remaining fugitives and those who we are referring to know exactly who they are.

HLC: How confident are you about informing the European Commission and the Union's Member States that there is progress in Serbia's level of cooperation with your Office before the end of your mandate?

CDP: I am very hopeful that I will be able to report that there is full cooperation because that will mean Ratko Mladić will be in The Hague.



HLC: You stressed the importance of the international community's support to the Tribunal. *What would be the consequences of the EU abandoning its policy of pre-accession and accession conditionality?*

CDP: I do not wish to speculate on that. I can only say that this policy has been extremely useful and helpful to the Tribunal. The great majority of the accused who came into the Tribunal's custody in the past 3-4 years have arrived here thanks to this policy of conditionality. We hope that the same will happen with the remaining four fugitives.

HLC: The ICTY has produced a vast body of documentation and evidence during its lifetime. When the ICTY closes its doors at the end of its mandate, what do you think should happen to the Hague Archives?

CDP: The question of what will happen with the archive after the ICTY closes its doors has been raised by many. A working group has been set up at the Tribunal, under the direction of former Prosecutor Goldstone, to determine among other matters, where the archives should be located. This working group will present a set of proposals on the future of the archives early next year. I believe that these documents should be accessible to





practitioners – prosecutors who continue to conduct war crimes trials domestically, and to the victims. They should also be available to journalists, researchers, and historians. Where they are physically located may also have symbolic consequences. However, it is crucial that the documents are easily accessible and available to people in the region of the former Yugoslavia and that the originals are stored in such a way so as to prevent any possibility of tampering with or destruction of this important material.

HLC: Do you think a regional truth-seeking and truth-telling mechanism would compliment the work of the ICTY? And how? And what kind of role do you think civil society can play in truth-seeking and truth-telling processes?

CDP: I am a prosecutor and not an expert on truth-seeking/telling mechanisms. The Tribunal's primary role is to establish facts and individual criminal responsibility. In this way, the Tribunal contributes to peace and security, regional stability and reconciliation. However, though this is a great achievement, in and of itself it is not sufficient for the process of reconciliation. In order to succeed, this complex and sometimes painful process must be further supported by local and international actors. History books must be amended to include crucial facts established in the Tribunal's cases. Politicians must provide their constituents with accurate information about these facts. Important institutions such as the religious establishment must foster an objective understanding of what happened. People must be given an opportunity to understand what was done in their name. Only after this understanding is reached can there be any hope for reconciliation. This complex task requires visionary leaders both within governments and the civil society. Your NGO – the Humanitarian Law Center is doing great and extremely important work, but this effort should be complemented by other institutions of society.

HLC: Since you took office in 1999, some 91 indictees have been brought into custody. Now, approaching the end of your mandate as ICTY Chief Prosecutor, what do you think has been your greatest accomplishment? And what is your greatest regret, if any?

CDP: The Office of the Prosecutor has accomplished a great deal in these past 8 years: we proved that genocide was committed in Srebrenica, that rape was used as an instrument of terror and should be considered a crime against humanity, that the crimes against civilians during the siege of Sarajevo merit the highest sentence, and

many other very important facts about the crimes committed in the former Yugoslavia and the individual responsibility of those convicted. Bringing Slobodan Milošević here for trial can certainly also be considered a great accomplishment, though it is marred by the fact that he did not live to see the end of the trial and what I believe would have been his conviction.

This kind of work is never the work of one person alone – it is the work of many excellent and very dedicated professionals and I am honoured to have been working with them.

As for regrets – my biggest regret is that Milošević died before he could be convicted.”

HLC: “When you survey the western Balkans now in 2007, what significant differences do you see compared to 1999 when you took office?

CDP: There are so many differences; it would really be difficult to list them all here. However, worryingly, there are some things which are still the same. When I hear some of the same politicians we have been seeing all these years, with the same nationalistic rhetoric, I feel saddened. For the sake of all the people in the Balkans, I hope that this will change and that they will let go of the ghosts of the past and move on towards a more prosperous, European future.

HLC: What will be the main pointers in your handover note to your successor? What lessons learned would you be able to impart?

CDP: It very much depends on who will be my successor. If it is someone from this Office, then the handover will be a very simple one. If it is someone from outside the Tribunal, I hope there will be sufficient time for a proper handover as there are many things that need to be discussed. Most importantly, however, my successor will be able to rely on the people in his immediate office in the same way that I have for all these years and they will be able to provide support with their expertise and knowledge of our cases, of the region, of international law.

HLC: What are your future plans?

CDP: As of next year, I will be the Swiss Ambassador in Argentina and I am looking forward to this new challenge.

