

TEAM 10 REPORT

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- The belief that the ICTY pursues a policy which is deliberately biased for or against any of the states or ethnic groups of the former Yugoslavia has no foundation of which we are aware.
- Although major international actors from time to time have sought to influence the work of the Tribunal in one respect or another, this has been inconsistent in direction and intensity—even on the part of the governments of particular states. The most significant and consistent element of external pressure has been the attempt to persuade all states of the region to cooperate seriously with the work of the Office of the Prosecutor, rather than any effort to bias the Tribunal against any specific regional state or ethnic group.
- Perceptions of bias within the Yugoslav space, however, have been widespread. In large measure these can be explained as the unintended and often unrecognised consequences of the manner in which the Tribunal was created and has operated, and policies which have not been deliberately partial to any group or state.
- There have been important variations between the regions of the former Yugoslavia in the manner in which the actions of the ICTY has had an impact upon domestic politics. Perceptions of bias can be related to specific aspects of the political process in each region, and consequently the kinds of action which might be appropriate in confronting these will differ.
- To a significant extent the misperceptions of the ICTY which have gained circulation in the region can be seen as stemming from misplaced expectations of justice, which could never have been met within an international judicial institution.