



556th Plenary Meeting

PC Journal No. 556, Agenda item 1

**DECISION No. 673
CO-OPERATION BETWEEN THE
ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE
AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE
FORMER YUGOSLAVIA**

The Permanent Council,

Taking note of the proposal from the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) regarding co-operation between the Organization for Security and Co-operation in Europe (OSCE) and the ICTY with respect to the monitoring of war crimes trials as set out in the letter of the Prosecutor of the ICTY to the Chairman-in-Office of the OSCE dated 28 February 2005 (CIO.GAL/25/05 of 1 March 2005),

Bearing in mind the mandates of the OSCE missions to Bosnia and Herzegovina, Croatia and Serbia and Montenegro,

Decides that,

1. The attached letter from the Chairman-in-Office of the OSCE to the Prosecutor of the ICTY, along with the aforementioned letter of the Prosecutor of the ICTY, shall constitute an understanding between the OSCE and the ICTY regarding the monitoring of war crimes trials;
2. The monitoring will be carried out within the existing mandates and resources of the respective missions.

PC.DEC/673
19 May 2005
Annex

Mme Carla Del Ponte
Prosecutor
International Criminal Tribunal for the former Yugoslavia
Churchillplein 1
2517 JW The Hague
The Netherlands

Dear Madame Prosecutor,

I am writing to you regarding the proposed co-operation between the OSCE and your Office in the field of the monitoring of war crimes trials as set out in your letter of 28 February 2005.

As you are aware, the OSCE missions in the region are already monitoring war crimes trials and have substantial experience in this area. In addition, the participating States clearly see the importance of facilitating the process of referral of war crimes cases to domestic courts. We understand that one of the prerequisites for the transferral of cases by the ICTY would be an assurance that these cases would be monitored. In light of this, the OSCE participating States have consented to the proposal concerning the monitoring of war crimes trials as set out in your letter and have agreed that this letter to you, along with your initial letter noted above, should be regarded as an exchange of letters establishing co-operation between the OSCE and the Office of the Prosecutor of the ICTY with respect to the transfer of cases pursuant to Rule 11 *bis* of the ICTY's Rules of Procedure and Evidence.

The OSCE stands ready to co-operate with your Office and to monitor the war crimes cases on behalf of the OSCE as well as on behalf of the Prosecutor of the ICTY. The monitoring will be done within the existing mandates and resources of the respective missions by their staff designated for this purpose. The duration of the monitoring can only be confirmed to the extent of the duration of the mandates of the missions concerned which are subject to annual extension. In the case of the mandate of a particular mission not being extended, the OSCE is prepared to assist the Office of the Prosecutor in identifying new solutions for ensuring the continuation of the monitoring.

The format of reports will be agreed between the missions and your Office. The distribution of reports will be carried out according to current practices. It will be essential that your Office informs the OSCE Chairmanship through the Secretary General about each case that is to be referred to a domestic court. The experts of the OSCE and your Office will work out the details for each particular case.

Please accept, Madame Prosecutor, the assurances of my highest consideration.

Dr. Dimitrij Rupel
Chairman-in-Office of the OSCE
Minister for Foreign Affairs of Slovenia