

The Courtroom

The courtroom of the Tribunal is specially built and is designed to provide the necessary protection for those in court and in the public gallery.

Members of the public can follow open session proceedings from the public gallery, which is separated from the court. Everything what is being said in the courtroom is translated simultaneously to the language of the accused and of the witness as well as to English and French, and can be heard in the public gallery through loudspeakers.



Confidentiality and security

The Victims and Witnesses Section (VWS) protects the privacy and provides for the safety and security of all witnesses. Staff of the VWS will treat all information about you with the strictest confidentiality. The Tribunal requests you to treat all information about your stay in The Hague with the same confidentiality.

Members of the media will be present in the public gallery during most of the trial proceedings. The Tribunal advises you or anyone who may accompany you not to give interviews to the media during your stay in The Hague.

Medical problems

Should you fall ill while in The Hague, you are insured for any necessary medical treatment.

The VWS has Support Officers who provide counselling and psychological support.

Weather

Rain is common in all seasons in Holland. Temperatures range from 0 degrees Celsius in winter to 30 degrees in summer. However, even in summer the weather may be cold and rainy.

Witness Hotline

There is a witness hotline which you may call if you have any questions or concerns.

The hotline is open 24 hours a day. There is an answering machine in Albanian / Bosnian / Croatian / Serbian where you can leave your message and someone from the VWS will call you back as soon as possible and provide you with the information you require.

**The telephone number is
(31) (70) 512 8877.**

About the Tribunal

The International Criminal Tribunal for the former Yugoslavia is the first international criminal court ever established by the United Nations to prosecute and punish serious violations of international humanitarian law. The jurisdiction of the Tribunal includes grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war, crimes against humanity and genocide. Established by the United Nations Security Council in 1993, the Tribunal is based in The Hague, The Netherlands. Its full name is The International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The Tribunal is an independent and impartial body. It consists of three separate organs: the Chambers, the Office of the Prosecutor, which conducts the investigations and presents the cases in court, and the Registry, which is the administrative arm of the Tribunal, servicing the entire Tribunal. There are three Trial Chambers and one Appeals Chamber. All fourteen judges of the Tribunal have different nationalities. None of them come from the former Yugoslavia.

Upon conviction, the court can impose imprisonment but not the death penalty. In certain circumstances the court can order restitution of property. The court has no power to grant compensation to victims. However, pursuant to relevant national legislation, victims may bring an action in a national court or other competent body to obtain compensation.

Mission Statement of the Victims and Witnesses Section of the ICTY

The VWS contributes to the effective functioning of the ICTY by facilitating the appearance of witnesses before the Tribunal, whether called by the Chambers, Prosecution or Defence.

The VWS develops its principles, policies and procedures to ensure that all witnesses can testify in safety and security, and that the experience of testifying does not result in further harm, suffering or traumatising to the witness. The VWS fosters an environment in which testifying can be experienced as a positive, strengthening and enriching event.

The VWS operates with the highest levels of integrity, impartiality and confidentiality, and ensures that all witnesses are informed about their rights and entitlements and have equitable access to the services of the section.

The Protection Unit coordinates responses to the security requirements, the Support Unit provides social and psychological counselling and assistance to witnesses, and the Operation Unit is responsible for logistical operations and witness administration.

Information for witnesses testifying before the International Criminal Tribunal for the former Yugoslavia



United nations



International
Criminal Tribunal
for the former Yugoslavia

Your travel to and from The Hague

Your travel expenses will be paid by the Tribunal. When travelling from former Yugoslavia, one of the Field Assistants will travel with you to The Hague and will provide you with a pre-paid flight ticket. The Field Assistant is there to assist you with the check in, customs and immigration controls and will have a visa for you to enter the Netherlands. You will need to have a valid passport.

You will be informed well before your journey about travel dates and the approximate time you are required in The Hague. However, please note that changes in the travel dates are frequent. The court schedule is subject to changes and the Tribunal may have to call some witnesses at very short notice or even postpone a testimony.

The Victims and Witnesses Section (VWS) will advise the appropriate authorities about your travel to ensure that everything will go smoothly. If you wish, the Tribunal informs the relevant authorities about "a necessary absence" in order to protect your right to benefits or to protect your rights as an asylum seeker or your other rights to remain in the country. If you have such a requirement please inform the lawyers or the investigators who have been in contact with you or the Victims and Witnesses Section (VWS).

The Field Assistants will escort you on your return to home. On average the witnesses stay in The Hague seven to eight days. You may request to be accompanied by one person who can be a relative or friend to support you during your stay in The Hague, however this request will only be granted under certain circumstances. You should inform the VWS if you need to have a support person in The Hague.

The Tribunal will bear the costs of the accompanying person. The Tribunal does not have facilities for childcare. In the event that you are unable to arrange for childcare during your attendance at the Tribunal, please contact the VWS for assistance.

For the duration of the travel and stay in The Hague you will be paid an Attendance Allowance at the rate of a minimum UN salary in the country where you reside. The Allowance is not paid to any support person or a dependant who might accompany you to The Hague.

What you need to bring

Bring receipts for miscellaneous expenses like photographs, bus or train tickets if you are traveling alone to The Hague, or any expenses concerning passports or other travel documents. These costs relating directly to your travel to The Hague will be reimbursed.

Please also check before you leave that you have any papers which the lawyers or the investigators may have asked you to bring.

Entitlements

Each witness is entitled to the following:

- Free travel,
- Free accommodation & meals,
- Health and liability insurance
- Daily allowance of 30.00 Euro per day
- Attendance Allowance
- And upon your request, if granted by the Tribunal:
 - a support person,
 - funds for child care or care for dependent persons,

Arrival in The Netherlands

On arrival at the airport in the Netherlands, you will be met by a VWS representative. He will escort you through the immigration and custom formalities. The Dutch authorities will have been informed about your arrival to ensure that everything goes smoothly.

Transport

There is no need to worry about transport. You will be taken from the airport to your accommodation by the VWS driver. He will transport you to the Tribunal for meetings or for your testimony and back to the hotel.

Accommodation and stay

The Tribunal will arrange for your accommodation. The Tribunal will pay for your accommodation and meals. You will receive a daily allowance of 30 Euro for personal expenses, such as cigarettes and refreshments. The allowance will also give you the opportunity to make some phone calls to your home from The Hague.

The Witness Assistants are there to keep you company, and to help and support you with any practical problems or questions you might have. They will also make sure that you will be taken to the Tribunal well in time when required.

Before giving testimony

Some days before you appear in court, you will meet the lawyers and / or investigators with whom you have already been in touch. They will prepare you for your testimony and will give you a tour in the courtroom before you give evidence. You will be told how to use the interpretation equipment, which is very simple. On the day of your appearance in court, the VWS will take you to the witness waiting room well before your testimony. There are separate waiting rooms in different locations for witnesses for the Defence and for the Prosecution, and for each courtroom. If you are a witness for the Defence, you will not come in contact with Prosecution witnesses and vice versa. Neither you will meet witnesses for other trials in the Tribunal.

In the waiting room there are refreshments available and you will be allowed to smoke there. During the lunch break you will either have packed lunch in the waiting room or you will be taken to your accommodation for lunch.

- A: Defence Lawyers
- B: Judges
- C: Registrar
- D: Witness
- E: Prosecution Lawyers
- F: Public Gallery
- G: Interpreters

In court: your testimony

The purpose of your journey to The Hague is to give testimony before the Tribunal and to tell the judges the facts as you know them to assist the court in determining the guilt or innocence of the accused.

You will not be allowed to follow the testimonies of other witnesses, and you must not discuss your testimony with them.

The court proceedings are held in English or French. However, there are several interpreters in court, who will translate everything that is being said simultaneously to the language of the accused and of the witness, as well as in English and French. You will be able to follow the entire proceedings in your own language through headphones linked to the translation. The following is useful to remember:

■ **Do not hesitate to inform the court if you do not understand a question put to you, and to ask for clarification or for the question to be repeated**

■ **Take your time and speak slowly and clearly. Please remember that the interpreter has to translate what you say. It is therefore helpful to speak in short sentences and to give the interpreter time to translate.**

If the Prosecutor has called you to testify, you will first be asked questions by the Prosecutor. After that the Defence will ask some questions and may challenge what you have testified. When the Defence has finished, you may be asked some more questions by the Prosecutor. If you are a witness called by the Defence, the order is reversed.

The three Judges may also put questions to you at any time. They will control the questioning by either party.

Unless the Presiding Judge rules otherwise all hearings are open to the public and to the media. The media can then use the video footage or the sound material of open hearings. However, the Judges may order protective measures for witnesses, provided they are consistent with the rights of the accused. These include concealing the witness' face, voice, name and other identifying characteristics from the public and the media. In exceptional circumstances the testimony can be given by one-way closed circuit television from a remote witness room, or using a video link from a different location. The Presiding Judge can also order the testimony to be given in a closed session. This means that the public and the media would not normally have access to anything being said in the courtroom.

The Judges may order such measures on their own, or at the request of either the Prosecution or the Defence, or of yourself, or of the Victims and Witnesses Section. If you need to have protective measures in the courtroom, make sure that you have clearly stated that to the investigators and the lawyers or ask to speak with the Protection Officer of the VWS.

