



Tuesday 25 October 2011

Highlights of 10/10/2011 through 21/10/2011 – Nr. 104

## Judge Meron and Judge Agius elected president and vice-president of the ICTY

In a special plenary held on 19 October, the judges of the ICTY elected, by acclamation, Judge Theodor Meron (United States of America) as president of the Tribunal and Judge Carmel Agius (Malta) as vice-president for two year terms starting 17 November 2011, to succeed President Patrick Robinson and Vice-President O-Gon Kwon.

Since his election to the ICTY by the UN General Assembly in March 2001, Judge Meron has served on the Appeals Chamber, which hears appeals from both the ICTY and the International Criminal Tribunal for Rwanda (ICTR). He previously served as president of the ICTY between March 2003 and November 2005.

In his role as a judge in the Appeals Chamber, Judge Meron has presided over or participated in deciding the appeals judgments in a number of seminal cases, including Rutaganda (addressing the nexus required between war crimes and armed conflict) and Krstić (clarifying the parameters of genocide in relation to crimes committed in Srebrenica). He is currently presiding over the appeals of Ante Gotovina and Mladen Markač.

Judge Agius is currently an Appeals Chamber judge. He was first elected to the Tribunal in 2001 and re-elected in 2004. Between 2003 and 2010, he was the presiding judge of ICTY Trial Chamber II, during which time he presided over the Brđanin, the Orić and the Popović *et al.* trials. Since 2010, he has been dealing with appeals from both the ICTY and the ICTR, and presided over the Renzaho appeal which was decided earlier this year. Presently, he is presiding over the Đorđević and the Ntawukulilyayo appeals.

Since 2003, Judge Agius has chaired the Rules Committee of the ICTY, and until 2010 he was also a member of the Tribunal's Bureau. More recently, on behalf of the ICTY he has co-ordinated and brought to a conclusion the drafting of the Rules of Procedure and Evidence of the Residual Mechanism to be submitted to the UN Security Council, for eventual adoption by the judges of the Residual Mechanism.

Full biographies of the two judges can be found in the [press release](#) announcing their election.

### 10 October Dragomir Pećanac charged with contempt of court

Dragomir Pećanac, former Security and Intelligence Officer of the Main Staff of the Army of the Republika Srpska, has been charged with contempt of the Tribunal for failing to comply with, or to show good cause why he could not comply with, a subpoena in which he was ordered to testify in the case of Zdravko Tolimir.

An order in lieu of an indictment for contempt was issued confidentially by the Trial Chamber on 21 September 2011. The order stated that Pećanac, having been informed on 2 September of the contents of the subpoena and of his obligation to appear before the Trial Chamber, obstructed all attempts by the Tribunal to facilitate his safe transfer to The Hague, thereby resulting in his failure to appear before the Chamber as ordered or to show good cause why he could not comply with the subpoena. A warrant for the arrest and order for surrender of the accused were also issued on 21 September 2011. Pursuant to this order, Pećanac was transferred to the custody of the United Nations Detention Unit.

At his initial appearance on 10 October, Pećanac did not enter a plea. During a hearing that took place in the Tolimir trial shortly after the initial appearance, Pećanac refused to testify as a witness.

At his further initial appearance on 19 October, Pećanac pleaded not guilty.

### 13 October Chamber denies request to sever Mladić indictment

Trial Chamber I has denied the Prosecution's request to sever the indictment against Ratko Mladić, but granted its motion to add to the charges crimes committed in the village of Bišina, eastern Bosnia and Herzegovina.

The Chamber found that granting the Prosecution's motion, filed on 16 August, to conduct two separate trials against the former commander of Bosnian Serb forces, could prejudice the accused, render the trial less manageable and less efficient, and risk unduly burdening witnesses.

The Prosecution had requested that the indictment be severed into two separate parts; the first part pertaining to the crimes committed in Srebrenica following the fall of the enclave in July 1995, and the second to Sarajevo and other municipalities in Bosnia and Herzegovina, as well as to hostage taking, arguing that this would be in the interests of justice and the efficiency of the trial.

The Chamber, however, found that severing the indictment would not make the trial more manageable and that “conducting two trials instead of one could also be considerably less efficient”. Furthermore, the Chamber found that severing the indictment could prejudice the accused: “Participating in the pre-trial preparations of one case while simultaneously participating in the judgement or appeal stage of the first trial could unfairly overburden the accused and limit his ability to participate effectively in either,” the decision states.

The Chamber also considered the negative impact severing the indictment would have on witnesses, specifying that many of them would have to testify twice especially when presenting evidence relating to the acts and conduct of the accused.

Granting the Prosecution’s request to add the Bišina crimes to the indictment, the Chamber ordered that a third amended indictment be filed within seven days of the decision.

A further appearance will be held at the next status conference on Thursday, 10 November, to enable the accused to enter a plea on the new charge.

A copy of the Trial Chamber's [decision](#) can be found on the ICTY website.

### **17 & 18 October Tribunal hosts Serbian human and minority rights professionals**

The Outreach section recently hosted a group of seventeen professionals from the Serbian Ministry for Human & Minority Rights, Public Administration and Local Self-Government on a two-day study visit to the ICTY.

The visit formed part of the Tribunal’s efforts to increase co-operation and knowledge sharing with groups and individuals whose professional efforts are aimed at improving the rule of law and promotion of human rights in the countries of the former Yugoslavia.

Ratomir Vićovac, team leader of the EU-funded project for the Implementation of Priorities in the Areas of Human Rights & Protection of National Minority Groups of the Ministry, said that “the Directorate for Human & Minority Rights of Serbia has been on a number of study visits to various Human & Minority Rights organisations including the OSCE/ODIHR, the Council of Europe, the OHCHR of the UN and the European Court of Human Rights,” adding, in relation to this visit, that he had “in a manner of speaking, saved one of the best for last.”

The group met with a variety of the Tribunal’s officials and got better acquainted with a number of topics, including the ICTY’s legacy, its Residual Mechanism, the co-operation of states and the legal aid system. The programme also included a tour of the UN Detention Unit where the group learned about the Tribunal’s efforts to manage the facility according to the highest international standards.

The Outreach Programme is one of the main tools for sharing the Tribunal’s expertise with local judiciaries and other state institutions, as well as with various governmental and non-governmental organisations. As the ICTY moves towards the completion of its mandate, the Outreach Programme is intensifying its efforts to provide the communities of the former Yugoslavia with increased access to the Tribunal’s work and to promote a greater understanding of its achievements.

The Outreach Programme benefits from the continued support of the European Commission.

More information about the [Outreach Programme](#) can be found on the Tribunal’s website.

### **21 October Dragan Zelenović denied early release**

On 21 October, President Robinson issued a decision denying early release to Dragan Zelenović.

During the period relevant to his indictment, Zelenović was a soldier and *de facto* military policeman in the Bosnian-Serb Territorial Defence, and from the summer of 1992 onwards in the Bosnian-Serb army.

Zelenović was involved in the attack on Foča town and its surrounding villages and the subsequent arrest of civilians, between mid-April and mid-July 1992. The crimes with which Zelenović was charged took place in several different detention centres in Foča municipality where Muslim women and girls were held.

On 17 January 2007, Zelenović pleaded guilty to seven counts of rape and torture of women and girls committed following the takeover of Foča. The Trial Chamber sentenced Zelenović to 15 years' imprisonment, a sentence affirmed by the Appeals Chamber on 31 October 2007.

In his decision, President Robinson stated that he was of the view that, although Zelenović has "demonstrated some — albeit very limited — rehabilitation and some co-operation with the Prosecution, I am of the view that there remain significant factors that weigh against granting him early release. Mr Zelenović's crimes are of a high gravity and were committed against particularly vulnerable victims. Further, he has not yet served two-thirds of his sentence. I am therefore of the view that Mr Zelenović should be denied early release."

The full text of President Robinson's [decision](#) can be found on the ICTY website.

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# COURTROOM SCHEDULE: 25 OCTOBER – 4 NOVEMBER

Public proceedings are broadcast with a 30-minute delay on the ICTY website.

<b>TUESDAY 25 OCTOBER</b>	Courtroom II	14:15 – 19:00	<b>Stanišić &amp; Simatović</b>	Trial
<b>WEDNESDAY 26 OCTOBER</b>	Courtroom I	09:00 – 13:45	<b>Haradinaj et al.</b>	Trial
		14:15 – 19:00	<b>Karadžić</b>	Trial
<b>THURSDAY 27 OCTOBER</b>	Courtroom II	09:00 – 13:45	<b>Stanišić &amp; Simatović</b>	Trial
	Courtroom I	09:00 – 13:45	<b>Haradinaj et al.</b>	Trial
<b>FRIDAY 28 OCTOBER</b>		14:15 – 19:00	<b>Karadžić</b>	Trial
	Courtroom I	09:00 – 13:45	<b>Haradinaj et al.</b>	Trial
<b>MONDAY 31 OCTOBER</b>	Courtroom I	08:00 – 08:30	<b>Šešelj</b>	Judgement
		09:00 – 13:45	<b>Karadžić</b>	Trial
		14:15 – 19:00	<b>Haradinaj et al.</b>	Trial
<b>TUESDAY 1 NOVEMBER</b>	Courtroom I	09:00 – 13:45	<b>Karadžić</b>	Trial
		14:15 – 19:00	<b>Haradinaj et al.</b>	Trial
<b>WEDNESDAY 2 NOVEMBER</b>	Courtroom I	09:00 – 13:45	<b>Karadžić</b>	Trial
		14:15 – 19:00	<b>Haradinaj et al.</b>	Trial
<b>THURSDAY 3 NOVEMBER</b>	Courtroom I	09:00 – 13:45	<b>Karadžić</b>	Trial
		14:15 – 19:00	<b>Haradinaj et al.</b>	Trial
<b>FRIDAY 4 NOVEMBER</b>	Courtroom I	09:00 – 13:45	<b>Haradinaj et al.</b>	Trial

## FACTS & FIGURES

### 161 INDIVIDUALS INDICTED

Since the very first hearing (a deferral request in the Tadić case) on 8 November 1994, the Tribunal has indicted a total of 161 individuals, and has already completed proceedings with regard to 126 of them: 13 have been acquitted, 64 sentenced (four are awaiting transfer, 25 have been transferred, 31 have served their term, and three died while serving their sentence), 13 have had their cases transferred to local courts.

- 126** Total number of accused whose proceedings have been completed.
- 36** Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).
- 35** Proceedings are on-going with regard to 35 accused: 16 are at the appeals stage, 17 are currently on trial, and two are at the pre-trial stage.
- 33** A further 33 individuals have been or are the subject of contempt proceedings.

### THE WAR CRIMES JUSTICE PROJECT

aims to facilitate the transfer of knowledge and materials from the ICTY to legal professionals in the former Yugoslavia, thereby enhancing the capacity of judiciaries in the region to handle complex war crimes cases.

The project is funded by the European Union and implemented by the ICTY in partnership with the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and OSCE field operations in the region.

[www.icty.org/sections/Outreach/CapacityBuilding](http://www.icty.org/sections/Outreach/CapacityBuilding)

- 57,000** Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.
- 18,500** Total number of transcript pages delivered to the regional judiciaries between October 2010 and September 2011.
- 22,000** Total number of pages publicly available on the ICTY Court Records Database to date: <http://icr.icty.org/>
- 157** Total number of legal professionals from regional judiciaries who have so far received training on searching and accessing publicly available ICTY material.

The ICTY Digest is a publication of the Registry, prepared and produced by the Public Information Unit.  
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[www.icty.org](http://www.icty.org)

Extracts of, and/or quotes from, legal documents are not authoritative; only the Order, Decision or Judgement in its entirety reflects the opinion of the Trial Chamber and/or the Appeals Chamber.

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