



Monday 7 February 2011

Highlights of 24/01/2011 through 04/02/2011 – Nr. 90

25 January
Šešelj case: Rule 98bis hearing...

...will be held on 7, 8, & 9 March, according to a scheduling order issued by the Trial Chamber recently. The accused will have 3.5 hours to present his arguments, the Prosecution will then have 4 hours to respond, and, finally, Šešelj will then be given a further 30 minutes to reply.

Rule 98bis: After the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule on whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charges, it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of Defence evidence.

28 January
Šešelj contempt case (no. 2): trial scheduled

In a scheduling order issued on 28 January, presiding judge O-Gon Kwon announced that the pre-trial conference in the Tribunal's second set of contempt proceedings against Vojislav Šešelj will be held at 14.15 on Tuesday, 22 February, and that the trial shall commence immediately thereafter.

On 4 February 2010, Šešelj was indicted for contempt "for having disclosed information which may identify...11 protected witnesses in violation of orders of a Chamber."

31 January
Ivica Rajić denied early release

On 31 January, President Robinson has issued a decision denying early release to Ivica Rajić.

On 26 October 2005, Rajić, a former unit commander of the Bosnian Croat Army, pleaded guilty to four grave breaches of the Geneva Conventions, in connection with the October 1993 attack on the central Bosnian village of Stupni Do, near the town of Vareš. Rajić commanded the attack, which resulted in the murder of 31 Bosnian Muslim civilians - including women and children - as well as the destruction of the village. On 8 May 2006, Rajić was sentenced to 12 years' imprisonment, with credit being given for time already served since 5 April 2003. He was transferred to Spain to serve the remainder of his sentence on 13 April 2007.

In his recent decision, the President states that Rajić "has not yet served two-thirds of the sentence imposed upon by the Tribunal...Therefore, I am of the view that the amount of time that Mr Rajić has served for his crimes does not militate in favour of his early release." Furthermore, the President says that he is "of the view that Mr Rajić's crimes are of a very high gravity and that this is a factor that weighs against granting him early release." In conclusion, the President states that, while Rajić has "displayed some – albeit very limited – evidence of rehabilitation and has provided cooperation to the Prosecution pursuant to his plea agreement, there remain significant factors that weigh against granting him early release." Rajić's request was accordingly denied.

The full text of President Robinson's decision can be read at:
<http://www.icty.org/x/cases/rajic/presdec/en/110131.pdf>

1 February
Đorđević case: judgement to be rendered...

...on 23 February at 14.15 in Courtroom I, according to a scheduling order issued by the Tribunal's Trial Chamber II.

A former Assistant Minister of the Serbian Ministry of Internal Affairs (MUP) and Chief of the Public Security Department of the MUP, Vlastimir Đorđević is being tried for crimes against humanity and war crimes allegedly committed against Kosovo Albanian civilians in 1999.

The trial commenced on 27 January 2009. The Prosecution completed its case on 28 October 2009 (its case was reopened on 17 May 2010 in order to examine one more witness), and the Defence case commenced on 30 November 2009 and was completed on 20 May 2010. Closing arguments took place on 13 and 14 July 2010. During the trial, 105 viva voce Prosecution witnesses were called and 1585 Prosecution exhibits tendered into evidence, alongside 28 Defence witnesses and 933 Defence exhibits. The Prosecution is seeking a sentence of between 35 years and life imprisonment for Đorđević, while the Defence has asked for an acquittal.

1 February**Case of Stanišić and Župljanin: Prosecution rested, Defence to open in April**

The Prosecution case against Mićo Stanišić and Stojan Župljanin came to an end on 1 February. The Prosecution commenced its case on 14 September 2009, and called 125 witnesses over the course of 243 trial days.

The Trial Chamber has stated that the pre-Defence conference will be held on 4 April, and the opening statements from the Defence will be heard on 11 & 12 April.

Mićo Stanišić was, from April 1992, the Minister in the Serbian Ministry of Internal Affairs in Bosnia and Herzegovina (RS MUP), and Stojan Župljanin was Chief of the Regional Security Services Centre (CSB) of Banja Luka, as well as a member of the Autonomous Region of Krajina (ARK) Crisis Staff, and an advisor on internal affairs to the President of Republika Srpska. They stand accused of involvement in a campaign to eliminate and permanently remove Bosnian Muslims and Bosnian Croats from the areas over which they presided between April and December 1992.

4 February**Rašić contempt case moves forward**

On 25 January, Judge Howard Morrison was designated as the pre-trial judge in the contempt case against Jelena Rašić. And on 4 February, a status conference was held in the absence of the accused who had exercised her right not to attend.

Rašić, a former case manager on Milan Lukić's Defence team, is charged with five counts of contempt of court for allegedly bribing witnesses into making false statements.

7 February**Prlić et al. closing arguments heard**

Throughout the week beginning 7 February, the closing arguments were heard in the case of Prlić et al. The Prosecution was granted 15 hours in which to present its arguments, and once they had concluded each Defence team had five hours to lay out their argument.

The trial of Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić, and Berislav Pušić commenced on 26 April 2006. The Prosecution completed its case on 24 January 2008, and the Defence case commenced on 5 May 2008 and officially closed on 17 May 2010.

7 February**Croatian trial monitors and journalists at the ICTY**

A group of 15 Croatian war crimes trial monitors and journalists recently spent four days visiting the Tribunal. The group included nine war crimes trial monitors from, variously, the Centre Documenta, the Civic Committee for Human Rights, and the Centre for Peace, as well as six journalists from Croatian Radio Television (HRT), Nova TV, the Hina news agency, Novosti weekly, and the Slobodna Dalmacija and Novi List dailies.

During their visit the monitors and journalists attended the Prlić et al. trial and focused on that case's final briefs. The visitors met officials from all three organs of the Tribunal and had the opportunity to attend the weekly press briefing. Topics discussed included: media coverage of war crimes issues in Croatia and countries of the region; command responsibility and joint criminal enterprise; trial advocacy: equality of arms, cross examination of witnesses; and ICTY investigation: history and practice.

The visit was facilitated by ICTY Outreach in cooperation with the NGO Documenta from Croatia, within the project 'Study Visit to International Institutions in The Hague'.

8 February**Joint Archives Strategy Working Group meeting**

On 8 & 9 February, the ICTY played host to a meeting of the Joint Archives Strategy Working Group (JASWG). Representatives of the ICTY, the ICTR, the United Nations Archives and Records Management Section, and the Office of Legal Affairs attended the meeting. They discussed the mandates for the Tribunals to prepare their records and archives for transition to the Residual Mechanism, reviewed the progress made so far, and worked on developing key policies for use in the future.

COURTROOM SCHEDULE: 15 FEBRUARY – 25 FEBRUARY

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

TUESDAY 15 FEBRUARY

Courtroom I 09:00 – 14:30, **Karadžić**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial, Defence closing arguments
14:15 – 19:00, **Tolimir**, Trial

WEDNESDAY 16 FEBRUARY

Courtroom I 09:00 – 14:30, **Karadžić**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial, Defence closing arguments
14:15 – 19:00, **Tolimir**, Trial

THURSDAY 17 FEBRUARY

Courtroom I 09:00 – 14:30, **Karadžić**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial, Defence closing arguments
14:15 – 19:00, **Tolimir**, Trial

MONDAY 21 FEBRUARY

Courtroom III 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Prlić**, Trial, Defence closing arguments

TUESDAY 22 FEBRUARY

Courtroom I 09:00 – 14:30, **Šešelj**, Contempt trial, pre-trial conference
14:15 – 19:00, **Karadžić**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Prlić**, Trial, Defence closing arguments

WEDNESDAY 23 FEBRUARY

Courtroom I 09:00 – 13:45, **Šešelj**, Contempt trial
14:15 – 16:00, **Đorđević**, Judgement (**Karadžić**, trial – will start 30 minutes after end of judgement hearing)
Courtroom II 09:00 – 11:00, **Haradinaj et al.**, Status conference
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Prlić**, Trial, Defence closing arguments

THURSDAY 24 FEBRUARY

Courtroom I 14:15 – 19:00, **Karadžić**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial, Defence closing arguments
14:15 – 19:00, **Tolimir**, Trial

FRIDAY 25 FEBRUARY

Courtroom I 09:00 – 13:45, **Šešelj**, Contempt trial
14:15 – 19:00, **Karadžić**, 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 125 of them: 12 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.

- 125** 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).
- 36** Proceedings are on-going with regard to 36 accused: 13 are at the appeals stage, 18 are currently on trial, and three are at the pre-retrial stage. Two fugitives are still at large.
- 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

- 16,000** Total number of pages of ICTY court hearing audio material transcribed to date.
- 4,500** Total number of transcript pages delivered to the regional judiciaries between October and December 2010.
- 60,000** Total number of pages that will be transcribed under the scope of the project
- 25** Total number of legal support staff employed under the Project at the judicial institutions in BiH and Serbia, with seven more expected to be hired in BiH and Croatia in the near future.

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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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