



COMPLETION STRATEGY REPORTS

5 December 2012

President Meron highlights excellent progress towards completing Tribunal's work



Addressing the UN Security Council in his dual capacity as President of both the ICTY and the MICT, Judge Theodor Meron reported on the progress made in relation to the completion strategy of the ICTY and gave details of the launch of the Mechanism for International

Criminal Tribunals, and encouraged the Council to reflect on the achievements of the former and the potential of the latter.

Turning first to the ICTY, the President highlighted the excellent progress made in completing the Tribunal's work, pointing to a number of cases which are expected to be completed faster than originally forecast. The President highlighted the challenges faced by the Tribunal in completing certain cases by the dates forecast, including the complexity of the cases, the Tribunal's reliance on States' co-operation with requests for evidence, and the difficulties created by the departure of experienced staff members. The President encouraged the members of the Security Council to consider any delays in the completion of the Tribunal's work in their proper context, including the Tribunal's wider achievements: "Despite some delays in the completion of the Tribunal's trials and appeals, there is no doubt that the work accomplished by the Tribunal so far, and the legacy that it will leave, are already of profound significance... The Tribunal has been instrumental in bringing about a new era of accountability and a new commitment to justice within the international community at large," said the President.

In his report on the work of the MICT, the President announced that the Mechanism, which commenced operation at the Arusha branch on 1 July 2012, was "already deeply engaged in fulfilling its mandate." The President said that the preparations were well under way for the launch of the Hague branch, which will commence operations on 1 July 2013.

The President underscored that, whilst the bulk of the MICT's work will involve appeals, the Mechanism will be prepared to conduct trials of the three fugitives indicted by the ICTR whose cases have not been referred to national jurisdictions. The President urged the Security Council to assist the Mechanism in this respect: "The arrest and trial of these three fugitives is a top priority for the Mechanism."

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

Prosecutor Brammertz says major goal has been met with start of final trial



Presenting his Office's 18th Completion Strategy report to the Security Council, Prosecutor Bradetkovic addressed the progress made in relation to the status of the Tribunal's remaining trials and appeals, the co-operation with the States of the former Yugoslavia and the support to the national war crimes prosecutions in the region.

The Prosecutor said that a major goal was met with the commencement of the last ICTY trial, that of Goran Hadžić, in October 2012, and that significant progress had been made in the Mladić, Karadžić and Stanišić and Simatović trials.

Turning to regional co-operation, the Prosecutor stated that "co-operation between Serbia and Bosnia and Herzegovina will soon take a positive step forward". He welcomed the recent decisions of Bosnia and Herzegovina and Serbia to sign the Protocol on Co-operation between their prosecutor's offices on the exchange of evidence and information in war crimes cases. The Prosecutor encouraged the parties to sign the Protocol without further delay as it will "offer practical solutions for improving investigative capacity and strengthening the professional interaction between prosecutors' offices".

As the national authorities, particularly in BiH, continue to face difficulties in prosecuting war crimes cases, the Prosecutor encouraged the judicial authorities there to complete the processing of investigative materials transferred by the OTP and prosecute where appropriate. He stated that BiH continues to face a backlog of hundreds of war crimes cases and there is no prospect of meeting the war crimes strategy deadlines. "Comprehensive measures must be taken to remedy the situation", he added.

Finally, the Prosecutor mentioned the recent judgements rendered in the Gotovina & Markač and Haradinaj et al. cases which resulted in "a number of reactions about Tribunal's capacity to promote justice in the former Yugoslavia". The Prosecutor said that, "while the underlying reasons for the acquittals in the two cases are very different, there can be no doubt that serious crimes were documented in the course of the proceedings" and that "the victims of those crimes have the right to justice".

The full text of the [Prosecutor's address](#) can be found on the ICTY website.

APPEAL JUDGEMENT

4 December 2012



Milan Lukić's life sentence affirmed by Appeals Chamber; Sredoje Lukić's sentence reduced to 27 years' imprisonment

The ICTY Appeals Chamber has affirmed Milan Lukić's sentence of life imprisonment, and reduced, Judge Pocar and Judge Liu dissenting, Sredoje Lukić's sentence from 30 to 27 years of imprisonment.

On 20 July 2009, ICTY Trial Chamber III found Lukić and Lukić guilty of crimes against humanity and war crimes committed in the eastern Bosnian town of Višegrad during the 1992-1995 conflict.

The Chamber dismissed all of Milan Lukić's eight grounds of appeal, except for two sub-grounds of appeal. First, the Chamber replaced the Trial Chamber's finding that 59 victims were killed when Lukić set on fire the house of Adem Omeragić on Pionirska Street, with the finding that 53 victims were killed in that incident. In addition, the Appeals Chamber held that the Trial Chamber had not adequately evaluated how

the involvement of some of the Prosecution witnesses with the Women Victims of War Association impacted on those witnesses' credibility. The Chamber found, however, that the two errors had no impact on judgement or sentencing. The Appeals Chamber dismissed, by majority, most of Sredoje Lukić's 15 grounds of appeal, but did, Judge Pocar and Judge Liu dissenting, partially grant two grounds, reversing all his convictions for the beatings of detainees in the Uzamnica Camp. Consequently, the Chamber, Judge Pocar and Judge Liu dissenting, reduced his sentence to 27 years in jail.

The full text of the [judgement](#) can be found on the ICTY website.

TRIAL JUDGEMENT

12 December 2012



Zdravko Tolimir guilty of genocide

Zdravko Tolimir, former Assistant Commander and Chief for Intelligence and Security of the Main Staff of the Bosnian Serb Army (VRS), has been sentenced to life imprisonment for genocide, crimes against humanity and war crimes committed in 1995 after the fall of the enclaves of Srebrenica and Žepa, Bosnia and Herzegovina.

Tolimir was charged with the commission of crimes through the participation in two joint criminal enterprises (JCE). The aim of the first was to murder the able-bodied Bosnian Muslim men from the enclave of Srebrenica, and the goal of the second JCE was to forcibly remove and deport the Bosnian Muslim population from the enclaves of Srebrenica and Žepa. The Trial Chamber, Judge Nyambe dissenting, established that Tolimir had participated in both JCEs and found him guilty of the crimes that were committed to further the goals of those criminal enterprises, except for the crime of deportation

The Chamber found that from 13 July to sometime in August 1995, at least 4,970 Bosnian Muslim men from the Srebrenica enclave were murdered. The majority emphasised that this

was a conservative calculation of the minimum number, and that the total number who were killed was, at a minimum, closer to 6,000.

The Chamber stated: "The suffering these men went through in the moments leading up to their deaths must have been unbearable. On many occasions, those who were waiting to be shot saw others before them executed. The few survivors who lived to provide their testimony before the Chamber gave harrowing accounts of what they had to endure." The Chamber underscored that the crimes that were committed "were massive in scale, severe in their intensity and devastating in their effect." The Chamber also considered "the extreme suffering of the approximately 30,000-35,000 women and children forcibly removed from both enclaves, and their inability to live a normal and constructive life to this day".

The full text of the [judgement](#) can be found on the ICTY website.

CONVICTED PERSONS

30 November 2012



Dragan Zelenović denied early release

Tribunal President Judge Theodor Meron has issued a decision denying early release to Dragan Zelenović.

On 17 January 2007, Zelenović pleaded guilty to seven counts of rape and torture of women and girls committed following the takeover of Foca municipality by Serb forces in April 1992. The Trial Chamber sentenced him to 15 years' imprisonment, a sentence affirmed by the Appeals Chamber on 31 October 2007. In his decision (<http://www.icty.org/x/cases/zelenovic/presdec/en/121130.pdf>), President Meron states that, although Zelenović has "demonstrated some

rehabilitation and co-operated with the Prosecution in accordance with his plea agreement, there remain significant factors that weigh against granting him early release." The President continues: "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 and evidence of rehabilitation is ambivalent. I am therefore of the view that Zelenović should be denied early release."

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

IN THE COURTROOMS

5 December 2012



Stanišić and Simatović: closing arguments scheduled

Closing arguments in the trial of Jovica Stanišić and Franko Simatović will be heard from 29 to 31 January 2013, according to a scheduling order issued by Trial Chamber I. The order, which can be found on the ICTY [website](#), also sets out dates and word limits for final trial briefs.

Stanišić and Simatović have been ordered to return to the Detention Unit before Thursday, 24 January, in order to attend the closing arguments. They have both been on provisional release since July this year.

Stanišić and Simatović, former high-level officials of the Serbian Secret Service, are accused of having directed, organised, equipped, trained, armed and financed secret units of the Serbian State Security which are alleged to have murdered, persecuted and deported Croats, Bosnian Muslims, Bosnian Croats and other non-Serb civilians from Bosnia and Herzegovina and Croatia between 1991 and 1995.

STATUS OF CASES

CASES AT TRIAL	
Hadžić	<ul style="list-style-type: none"> • Trial commenced on 16 October 2012
Haradinaj <i>et al.</i>	<ul style="list-style-type: none"> • Judgement rendered on 29 November 2012. All accused acquitted. Appeals are still possible.
Karadžić	<ul style="list-style-type: none"> • The Defence case commenced on 16 October 2012
Mladić	<ul style="list-style-type: none"> • Trial commenced on 16 May 2012
Prlić <i>et al.</i>	<ul style="list-style-type: none"> • Closing arguments took place between 7 February and 2 March 2011
Šešelj	<ul style="list-style-type: none"> • The parties presented their closing arguments between 5 and 20 March 2012
Stanišić & Simatović	<ul style="list-style-type: none"> • The Defence case commenced on 15 June 2011
Stanišić & Župljanin	<ul style="list-style-type: none"> • Closing arguments took place from 29 May until 1 June 2012
Tolimir	<ul style="list-style-type: none"> • Judgement rendered on 12 December 2012. Sentenced to life imprisonment. Appeals are still possible.
CASES ON APPEAL	
Đorđević	<ul style="list-style-type: none"> • The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs
Perišić	<ul style="list-style-type: none"> • The trial judgement was pronounced on 6 September 2011 (sentence: 27 years' imprisonment) • The appeal hearing took place on 30 October 2012
Popović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 10 June 2010 (sentences: Popović - life imprisonment; Beara - life imprisonment; Nikolić - 35 years' imprisonment; Borovčanin - 17 years' imprisonment; Miletić - 19 years' imprisonment; Gvero - 5 years' imprisonment; Pandurević - 13 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Borovčanin, whose sentence is therefore final
Šainović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 26 February 2009 (sentences: Šainović - 22 years' imprisonment; Ojdanić - 15 years' imprisonment; Pavković - 22 years' imprisonment; Lazarević - 15 years' imprisonment; Lukić - 22 years' imprisonment; Milutinović - acquitted) • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Milutinović, whose acquittal is therefore final
CONTEMPT CASES	
Šešelj	<ul style="list-style-type: none"> • Third contempt case - the trial commenced on 12 June 2012. The judgement was rendered on 28 June 2012 (sentence: two years' imprisonment)