



## TRIBUNAL

25 September 2016

# ICTY and MICT welcome record number of visitors on *The Hague International Open Day*



ICTY President Carmel Agius

On 25 September 2016, the ICTY and the Mechanism for International Criminal Tribunals (MICT) hosted more than 870 visitors as part of the ninth annual The Hague International Open Day, organised by the Municipality of The Hague.

Judge Carmel Agius, for the first time in his capacity as President of the ICTY, opened the event by recognising the Tribunal's significant achievements over the past twenty-three years, both in fulfilling its mandate and as a pioneering international criminal tribunal. He also remarked on the unique time in which the ICTY celebrated this year's International Open Day:

*"In these final stages of the Tribunal's mandate and in addition to its remaining judicial work, we are both looking back, to ensure the archiving and preservation of its most important records, and looking forward, to engage with government, civil society, and institutional partners here, in the region of the former Yugoslavia, and abroad."*

Judge Burton Hall welcomed the visitors on behalf of the MICT, and explained that organisation's pivotal role in undertaking remaining judicial functions of both the ICTY and the International Criminal Tribunal for Rwanda.

Guests had a unique opportunity to peek "behind the scenes" of international criminal justice and learn about the inner workings of the two institutions, through tours of the courtrooms, discussions with judges and senior staff members, documentary screenings, and exhibitions. The event highlighted the contributions

of the ICTY and MICT to the field of international criminal justice.

Judges Alphons Orié and Bakone Justice Moloto provided insights into the role of international Judges, while senior staff members explained the mandates and history of the ICTY and MICT, explored the work of the two institutions' different organs, and discussed the ICTY's specific achievements in areas such as the prosecution of sexual violence in times of war.

Throughout the day, visitors attended screenings of the latest ICTY Outreach documentary productions, and viewed artefacts from the ICTY's archives as well as an exhibition of artworks on the theme of sexual violence in conflict by university students from the countries of the former Yugoslavia.

As the ICTY approaches the completion of its mandate and the MICT continues to intensify its judicial activities, both institutions welcome opportunities such as The Hague International Open Day to promote a greater public awareness of their work and to engage with the wider community.



ICTY/MICT Judge Burton Hall



ICTY/MICT Judge Alphons Orié



ICTY/MICT Judge Bakone Moloto



Bob Reid, OTP Chief of Operations



Ana Cristina Rodríguez Pineda, ICTY Chef de Cabinet

## OFFICE OF THE PROSECUTOR

June - September 2016



### Dissemination of OTP's experience concerning the prosecution of conflict-related sexual violence

Following the 31 May inaugural launch in The Hague of the book *“Prosecuting Conflict-Related Sexual Violence at the ICTY,”* its co-editors and contributors have participated in a number of conferences and training programmes relating to the topic with the aim of sharing the OTP's experience concerning the prosecution of sexual violence crimes.

The book co-editors, Prosecutor Serge Brammertz and Deputy to the Prosecutor Michelle Jarvis, attended the New York launch of the book on 7 June (photo left). The launch was hosted by H.E. Ambassador of Belgium Bénédicte Frankinet, Permanent Representative of Belgium to the United Nations. Speakers and panelists at the launch included Special Adviser to the Secretary-General for the Prevention of Genocide, Adama Dieng; Special Representative of the Secretary-General for Sexual Violence in Conflict, Zainab Bangura; and UN Women Policy Director, Purna Sen.

On 16 June, Michelle Jarvis and OTP attorneys Laurel Baig and Lada Šoljan were panelists at a conference titled *“Prosecuting Conflict-Related Sexual Violence: What have we learnt?”* at the London School of Economics (LSE) Centre for Women, Peace and Security (photo right). In her keynote speech, Ms Jarvis outlined key practical tips for future prosecutors dealing with conflict-related sexual violence.



From 28 July to 3 August, supported by Prosecutor Brammertz, Ms Jarvis, together with OTP attorneys Lisa Biersay and Aditya Menon, conducted a specialised training for prosecutors and law students from Kenya, Rwanda, Uganda, Tanzania and South Sudan at Strathmore Institute for Advanced Studies in International Criminal Justice (SIASIC) in Nairobi. The training focused on strategic approaches to investigating and prosecuting sexual violence crimes, legal drafting, oral submissions, witness examinations, as well as addressing challenges in the prosecution of sexual violence crimes. In his closing remarks following the training, Prosecutor Brammertz stressed: *“Given that the future of international criminal law is at the national level, it is our duty to strengthen capacity for prosecuting conflict-related crimes, including sexual violence crimes.”*

On 31 August, Ms Jarvis participated in a panel discussion in the margins of the organisational meeting of the 33<sup>rd</sup> session of the Human Rights Council in Geneva, focusing on *“Fighting Impunity for Conflict-Related Sexual Violence”*. The panel was organised and chaired by the Permanent Mission of Belgium, in association with the Permanent Missions of Bosnia and Herzegovina, Iraq, DRC and France. Ms Jarvis, along with the other panelists (Ms Veronica Birga, Chief, Women's Rights and Gender Section, UNHCHR; Ms Nadia Murad, Human Rights Activist and survivor of enslavement and human trafficking; and Ms Yvette Kabuo, Lawyer and Coordinator of the Legal Clinic of Panzi (DRC)), led a broad ranging discussion of current challenges and strategies for addressing conflict-related sexual violence.

Prosecutor Brammertz and Ms Jarvis also spoke about the book and related developments including the new Prosecuting Conflict-Related Sexual Violence (PSV) Network at the annual conference of International Association of Prosecutors (IAP) in Dublin, which took place from 11 to 15 September.

## OFFICE OF THE PROSECUTOR

4-6 September 2016



### Prosecutor Brammertz attends 10<sup>th</sup> Annual Regional Conference of War Crimes Prosecutors

From 4 to 6 September, Prosecutor Brammertz attended the 10<sup>th</sup> Annual Regional Conference of War Crimes Prosecutors in Brijuni, Croatia, hosted by Croatian State Attorney Dinko Cvitan and attended by representatives of the prosecutor's offices of Bosnia and Herzegovina, Montenegro and the USA Ambassador for War Crimes Issues, Todd F. Buchwald. The main topics of this year's conference was the regional cooperation as well as the criteria and standards for the prosecution of war crimes cases.

Asked what he hopes this year's conference would achieve, Prosecutor Brammertz said, *“At a time when politicians and officials throughout the region are raising tensions, denying crimes and praising convicted war criminals, the public may rightly wonder whether there will be accountability or impunity for war crimes in the future. But what this conference shows is that prosecutors from every country are united in their strong commitment to independent and impartial justice for all victims. We're coming together to discuss challenges and identify solutions, and to demonstrate clearly that even at a time of political tension, the justice process will move forward.”*

## OFFICE OF THE PROSECUTOR

24 August 2016



### **“Slobodan Milošević is no hero”, Prosecutor Brammertz states in his op-ed published by Al Jazeera**

The Prosecutor’s article comes as a reaction to a number of press articles and statements made by some officials that the ICTY exonerated Slobodan Milošević in its trial verdict convicting former Bosnian Serb leader Radovan Karadžić.

In his article Prosecutor Brammertz stated that *“the arguments are not only misguided, but wrong”, as “the only person on trial in Karadžić’s case was Karadžić himself”*. Emphasising that the ICTY prosecutors *“introduced immense evidence”* in support of charges of genocide, crimes against humanity and war crimes, Prosecutor Brammertz stated that *“while Milošević did not face final judgement in the courtroom, the facts and evidence remain”*.

Reflecting on revisionism and denial of war crimes, Prosecutor Brammertz concluded that *“state and political officials throughout the former Yugoslavia must make a choice. To keep stoking the fires of ethnic nationalism by denying the truth and turning neighbours into objects of fear. Or to accept that there were immense wrongdoings in the past; bring the perpetrators to justice and move forward together on the path to solidarity and lasting peace”*.

To access the full article, click on:

[www.aljazeera.com/indepth/opinion/2016/08/slobodan-milosevic-hero-160823124808287.html](http://www.aljazeera.com/indepth/opinion/2016/08/slobodan-milosevic-hero-160823124808287.html) (English)

<http://balkans.aljazeera.net/vijesti/ostaju-cinjenice-i-dokazi-protiv-milosevica> (BCS)

## OFFICE OF THE PROSECUTOR

23 July 2016



### **Prosecutor Brammertz and OTP Awarded Mostar Peace Connection Award**

On 23 July, Prosecutor Serge Brammertz and the Office of the Prosecutor were recognised with the 2016 Mostar Peace Connection award by the Center for Peace and Multi-ethnic Cooperation, Mostar. Prosecutor Brammertz accepted the award on behalf of OTP staff, past and present, during a ceremony in Mostar, Bosnia and Herzegovina.

Mr Safet Oručević, Director of the Center and formerly mayor of Mostar, noted that the decision to recognise Prosecutor Brammertz and the OTP was made in recognition of their *“key role in promoting reconciliation and restoration of trust between affected communities which are fundamental conditions for the restoration and maintenance of peace.”*

In his remarks, Prosecutor Brammertz emphasised that *“justice is a universal human need,”* and that *“to achieve sustainable peace and reconcile divided communities, accountability is essential.”* Noting that *“today it seems that the region is moving in the wrong direction,”* the Prosecutor underscored, *“The next generation deserves better.”* He closed by pledging the OTP’s support to those *“who are striving to make peace and reconciliation a reality,”* and expressed the OTP’s gratitude for the long-standing support it received over the years.

Center of Peace and Multi-ethnic Cooperation is a non-profit, non-governmental, non-political organisation which develops and implements a wide range of projects. The Center represents the affirmation of the traditional multi-ethnic and multi-religious lifestyle values, a recognisable feature of Mostar over the centuries. The Center yearly awards Peace Prize laureates to mark the anniversary of the reconstruction of the Old Bridge on 23 July.

## OFFICE OF THE PROSECUTOR

16 July 2016



### **Prosecutor Brammertz speaks at the conference in Dakar on “International Criminal Justice against Sexual and Gender-Based Crimes”**

The Conference was convened on 16 July by H.E. Mr Sidiki Kaba, President of the Assembly of State Parties and Senegal’s Minister of Justice, in commemoration of the Day of International Criminal Justice. Panellists included Ministers of Justice of the Central African Republic, Guinea and Italy, the Prosecutor of the International Criminal Court, the President and Chief Prosecutor of the Extraordinary African Chambers, a member of the ICC Board of Directors of the Trust Fund for Victims as well as ICTY Prosecutor Serge Brammertz.

Photograph courtesy of ICC

Having stated that out of 161 persons indicted by his Office, 93 had to answer charges for sexual violence, Prosecutor Brammertz spoke about the main obstacles his Office encountered in the investigation and prosecution of sexual violence crimes and the ways to overcome them. The Prosecutor also spoke about the protection measures that have been put in place for the victims of sexual violence who testified before the Tribunal.

The Prosecutor concluded by expressing his hope that the experiences gained at the ICTY and shared by the OTP with the publication of the book *“Prosecuting Conflict-Related Sexual Violence at the ICTY”* will be used by the international community, NGOs, political decision makers and academicians in elaborating more efficient strategies, aiming to put an end to this violence and to make sure that those who are responsible for sexual violence crimes are held accountable.

## OFFICE OF THE PRESIDENT

11 July 2016



### President Agius pays tribute to victims of Srebrenica genocide

ICTY President Carmel Agius visited Potočari, Bosnia and Herzegovina on 11 July 2016 to pay his respects to the victims of the Srebrenica genocide. Speaking at a solemn event to commemorate the 21st anniversary of the genocide, President Agius began by saluting the survivors and families of the victims and noting their key role in preserving a lasting memory of the horrific events of July 1995.

*“A fundamental part of any reconciliation process is justice”, President Agius said, adding that “justice alone is not enough”. He stressed that open communication and exchange between ethnic groups are crucial for reconciliation. Members of different communities ought to jointly acknowledge the past, pay respect to victims and work together to ensure that such crimes never happen again.*

Turning to the role of the Tribunal, President Agius underscored its significance in uncovering the truth about what happened in Srebrenica 21 years ago. He stated that:

*“I stand before you proud that the ICTY has incontrovertibly established that genocide did occur here, in Srebrenica, in July 1995, and that it has prosecuted and convicted a number of key figures responsible for it.”*

President Agius added that the Tribunal’s contribution has enabled a decisive rejection of attempts to deny what happened, strengthened determination to preserve the memory of the Srebrenica genocide and helped efforts towards peace and reconciliation.

In total, 20 individuals have been indicted by the Tribunal in relation to the events in Srebrenica and, to date, proceedings have been completed against 15 Accused.

## FROM THE COURTROOMS

30 June 2016

### Appeals Chamber affirms Stanišić’s and Župljanin’s sentences



On 30 June 2016, the Appeals Chamber confirmed the convictions of Mićo Stanišić, former Minister of the Interior of Republika Srpska, and Stojan Župljanin, former Chief of the Regional Security Services Centre of Banja Luka, Bosnia and Herzegovina (BiH). The Appeals Chamber affirmed that Stanišić and Župljanin are criminally responsible for war crimes and crimes against humanity committed in BiH in 1992 within 20 and eight municipalities, respectively. The Judges also affirmed both Stanišić and Župljanin’s sentences of 22 years’ imprisonment each.

The Appeals Chamber dismissed all of Stanišić’s and Župljanin’s grounds of appeal. It confirmed their convictions for committing, through participation in a joint criminal enterprise (JCE), persecutions as a crime against humanity and murder and torture as violations of the laws or

customs of war. The Appeals Chamber also confirmed Župljanin’s convictions for committing extermination, through participation in a JCE, and ordering persecutions through plunder as crimes against humanity.

The Appeals Chamber agreed with the Prosecution that the Trial Chamber had committed an error by omitting to enter cumulative convictions for persecutions and other crimes against humanity, but declined to enter new convictions on appeal. The other aspects of the Prosecution’s appeal were dismissed.

Click [here](#) to view a full summary of the judgement.



## STATUS OF CASES

### CASES AT TRIAL

<b>Mladić</b>	<p>On 16 May 2012, the trial began. On 26 February 2014, the Prosecution closed its case. The Defence case commenced on 19 May 2014. The last Defence witness completed his testimony on 16 August 2016. In total, 208 witnesses testified in person during the Defence case. The final briefs are to be filed by 25 October 2016. The closing arguments are scheduled to take place from 5 until 15 December this year. Trial Judgement is expected in November 2017.</p>
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### CASES ON APPEAL

<b>Prlić <i>et al.</i></b>	<p>All parties filed their appeals against the Trial Chamber Judgement rendered on 29 May 2013. A Status Conference took place on 19 September 2016. The Appeal Judgement is expected in November 2017.</p>
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## KEY FILINGS: JUNE/SEPTEMBER 2016

### STANIŠIĆ & ŽUPLJANIN

30 June 2016	The Appeals Chamber <a href="#">confirmed</a> the convictions of Mićo Stanišić and Stojan Župljanin and affirmed both of the Accused's sentences of 22 years' imprisonment.
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### PRLIĆ *et al.*

18 July 2016	The Appeals Chamber in the Prlić <i>et al.</i> case <a href="#">denied the application</a> by the Republic of Croatia to appear as <i>amicus curiae</i> . Amongst other things, the Chamber found that Croatia's submissions were without merit because the findings in the trial judgement regarding the Croatian officials (namely Franjo Tuđman, Gojko Šušak and Janko Bobetko) " <i>in no way constitute findings of responsibility on the part of the state of Croatia</i> ".
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### JOJIĆ *et al.*

1 August 2016	The Trial Chamber issued an <a href="#">order</a> stating that Serbia must comply with its obligations under Article 29 of the ICTY Statute. The Chamber noted that Article 29(2) of the Statute indicates that States are required to cooperate with the ICTY in relation to " <i>any request for assistance</i> ", which does not exclude cooperation in contempt matters. Based on this conclusion, the Chamber stated that Serbia cannot rely on its own domestic law in order to justify non-compliance with its international obligations. It also recalls Serbia's obligation to submit bi-weekly reports regarding steps to ensure that the obligations are met.
14 September 2016	The Trial Chamber, noting that Serbia has failed to execute arrest warrants and submit the bi-weekly reports (the last was received on 18 May) and thus finding that Serbia's non-compliance obstructs the course of justice, <a href="#">advised the President</a> about these failures.

### HADŽIĆ

22 July 2016	Following the death of Goran Hadžić on 12 July and the filing of the official death certificate on 18 July 2016, the Trial Chamber <a href="#">terminated the proceedings</a> against the Accused.
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## FACTS & FIGURES

### 161 INDIVIDUALS INDICTED

The Tribunal has indicted a total of **161** individuals, and has already completed proceedings with regard to **154** of them. **19** have been acquitted, **83** sentenced, **13** have had their cases transferred to local courts, and **2** Accused to be re-tried before the MICT.

<b>154</b>	Total number of Accused whose proceedings have been completed.
<b>37</b>	Cases terminated (either because indictments were withdrawn or because the Accused died, before or after transfer to the Tribunal).
<b>2</b>	Proceedings are on-going with regard to 7 Accused.
<b>28</b>	Individuals have been the subject of contempt proceedings before the ICTY.

*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.*