



United Nations



International Criminal Tribunal for the former Yugoslavia

# The ICTY Digest

Monday 28 July 2008

Highlights of 07/07/2008 through 25/07/2008 - Nr. 41

## A LANDMARK MONTH

**3 July, 10 July, 17 July, 21 July and 24 July: these five dates make July 2008 a memorable month in the Tribunal's history.**

**On 3 July and 17 July respectively, the Appeals Chamber concluded the cases *The Prosecutor v. Naser Orić* (see ICTY Digest 40) and *The Prosecutor v. Pavle Strugar* (see page..). On 10 July, Trial Chamber II delivered its judgement in the *Boškoski et Tarčulovski* case and Trial Chamber I, on 24 July, rendered its judgement in the contempt case of *Baton Haxhiu*. Never before had four judgements been pronounced in as many weeks!**

**On 21 July, a long-awaited end came to the flight of *Radovan Karadžić*, who was able to escape justice for almost 13 years to the day of his first indictment, on 25 July 1995. This long overdue arrest constitutes another milestone in the fulfilment of the Tribunal's mandate to bring to justice the most senior persons alleged to be most responsible for war crimes in the Yugoslav conflicts. The transfer of *Radovan Karadžić* also marks an important day for international justice as it clearly demonstrates that nobody is beyond the reach of the law.**

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[9 July](#)

**Lukić cousins trial opens today: new Trial Chamber, but no new indictment**

Presiding Judge Patrick Robinson of Trial Chamber III on 8 July issues an Order confirming that Judge Christine Van den Wijngaert and Judge Pedro David will sit with him on the pre-trial conference and subsequent trial of Milan Lukić and his cousin Sredoje Lukić. Trial Chamber III also denies the Prosecution leave to amend the indictment "on the eve" of the start of the trial.

*The Prosecution sought to include a pleading of joint criminal enterprise but the Chamber held "that granting of this amendment would deprive the accused of an adequate opportunity to prepare an effective defence (...)." The Prosecution also sought to include five new counts new counts alleging sexual violence (rape, enslavement and torture) but the Chamber concluded "that the Prosecution has not acted with the required diligence in submitting the Motion in such a way as to provide adequate notice of the requested amendments to the Defence".*

[9 July](#)

**Milutinović et al. case: closing arguments after the recess**

At the end of the additional two days in court to hear the testimony of summoned witness Aleksandar Dimitrijević, Presiding Judge Bonomy says that the closing arguments will be heard from 19 to 22 August.

*Initially, they were to be heard from 22 to 25 July.*

[10 July](#)

**Ljube Boškoski acquitted, Johan Tarčulovski convicted and sentenced to 12 years' imprisonment**

Trial Chamber II (Judge Parker, presiding, Judge Thelin and Judge Van den Wyngaert) acquits Ljube Boškoski, the former Interior Minister of Macedonia, and sentences his co-accused, police officer Johan Tarčulovski, to 12 years' imprisonment for crimes committed against ethnic Albanians in village of Ljuboten, near Skopje, on 12 August 2001.

Boškoski was charged with command responsibility for failing to investigate the crimes and to ensure those responsible be punished. However, the Trial Chamber found that "it has not been established that Ljube Boškoski failed to take the necessary and reasonable measures for the punishment of the police."

With regards to Johan Tarčulovski, the Chamber found that he played a "prominent role in the events of 12 August 2001", and found him guilty for ordering, planning

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and instigating the crimes committed in Ljuboten.

The summary of the judgement read out in court and a press release are available at: <http://www.un.org/icty/pressreal/2008/pr1270e.htm>

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10 July

**Registrar explains Judges and staff concerns to Dutch Foreign Affairs officials**

The Registrar and his staff meet with representatives of the independent Policy and Operations Evaluation Department (IOB) of the Ministry of Foreign Affairs in the context of the Dutch government's review on its policies regarding the hosting of International Organisations. This meeting follows the IOB's earlier surveys of staff and management sent to all International Organisations in The Netherlands. The Registrar explains the Judges and staff concerns regarding certain Host State policies, in particular in the realm of immigration, social security, taxation and other privileges. Special emphasis was placed on the need for clarity and appropriate policies for staff in light of the forthcoming downsizing of the Tribunal. The IOB's report will be made public and presented to the Dutch Parliament later this year.

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10 July

**Compassionate provisional release for D. Ojdanić**

The Trial Chamber grants Dragoljub Ojdanić temporary provisional release to Serbia on compassionate grounds from 18 July until 12 August 2008. The provisional release is granted under strict terms and conditions, including 24-hour surveillance by the Serbian authorities.

A press release has been issued (in English) and is available at: <http://www.un.org/icty/pressreal/2008/pr1271e.htm>

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15 July

**No revision of the judgement of Vidoje Blagojević...**

...says the Appeals Chamber in a Decision dismissing the motion for review of his judgement by Vidoje Blagojević.

*A former Bosnian Serb Army commander in eastern Bosnia and Herzegovina convicted for his role in the Srebrenica massacre, Vidoje Blagojević was sentenced to 18 years' imprisonment on 17 January 2005. On 9 May 2007, the Appeals Chamber reversed Blagojević's conviction for complicity in genocide, confirmed his other convictions for crimes against humanity and war crimes, and reduced his sentence from 18 to 15 years' imprisonment.*

Vidoje Blagojević continues to serve his sentence in Norway, where he was transferred on 25 January 2008.

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17 July

**STRUGAR CASE: Appeals Chamber expands the scope of the accused's responsibility but reduces his sentence slightly on grounds of ill-health**

The Appeals Chamber convicts the former Yugoslav People's Army (JNA) General Pavle Strugar on two additional counts, the crime of devastation not justified by military necessity and the crime of unlawful attacks on civilian objects in Croatia's coastal town of Dubrovnik in 1991. The Chamber also extends his criminal responsibility for his failure to prevent the shelling of the Old Town. With regards to the sentence, "the Appeals Chamber finds that the legal errors committed by the Trial Chamber did not affect Strugar's sentence" and that "the Trial Chamber had already considered the damage caused during the additional time period by which his criminal responsibility had been extended." Finally, "in consideration of Strugar's deteriorating health since the delivery of the Trial Judgement in 2005, the Appeals Chamber reduces his sentence to seven and a half years' imprisonment."

The summary of the Judgement read out in court and a press release are available at: <http://www.un.org/icty/pressreal/2008/pr1273e.htm>

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17 July

**Dusko Tadić granted early release**

ICTY President Judge Fausto Pocar issues an Order granting Dusko Tadić early release, "effective immediately". Taken into the Tribunal's custody on 24 April 1995 and definitively sentenced on 26 January 2000 to 20 years' imprisonment, Dusko Tadić had been serving his sentence in Germany since 31 October 2000. "Two thirds of his sentence was served as of 12 June 2007," notes the President, adding that "this factor further supports his eligibility for early release," notwithstanding "the gravity of his crimes".

*The first accused person to be detained by the Tribunal, Dusko Tadić also became the first individual to be tried by the ICTY. His trial started on 7 May 1996 and was completed on 28 November 1996. Found guilty on 7 May 1997, Dusko Tadić was sentenced on 14 July 1999 to 20 years imprisonment. However, following an Appeals Judgement of 15 July 1999 reversing a number of acquittals, another Trial Chamber on 11 November 1999 increased Dusko Tadić's sentence to 25 years. An*

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*Appeal ensued and the definitive sentence (20 years) was imposed by the Appeals Chamber on 26 January 2000.*

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**18 July**  
**Momčilo Krajišnik case: appeals hearing scheduled**

The Appeals Chamber orders that the hearing of the appeals be heard on 21 August, starting at 8:30 am.

*On 27 September 2006, Trial Chamber I (Judge Orić, Presiding, Judge Canivell and Judge Hanoteau) found Momčilo Krajišnik, a former member of the Bosnian Serb leadership, guilty of persecutions, extermination, murder, deportation and forced transfer of non-Serb civilians during the conflict in Bosnia and Herzegovina. The Trial Chamber acquitted him of genocide, complicity in genocide and one count of murder as a violation of the laws or customs of war. Momčilo Krajišnik was sentenced to 27 years' imprisonment. Both parties appealed against the judgement.*

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**24 July**  
**Baton Haxhiu found guilty of contempt and convicted**

Trial Chamber I convicts Kosovo journalist Baton Haxhiu of contempt of the Tribunal committed during the trial of the former Kosovo Albanian military leader Ramush Haradinaj and fines him 7,000 euros.

A press release has been issued (in English) and is available at:  
<http://www.un.org/icty/pressreal/2008/pr1276e.htm>

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### PROCEEDINGS SCHEDULED IN THE COMING WEEKS

Trial hearings in the Popović et al. case will be held every day until this Friday, in courtroom III. On Wednesday 30 July, a Status Conference in the case *The Prosecutor v. Zdravko Tolimir* will take place in courtroom I, from 4pm to 5pm. After the recess, which will end on Friday 15 August, the trial hearings will resume in all on-going cases, as follows:

- **Milutinović et al.**: closing arguments, from Tuesday 19 August until Friday 22 August, 09:00 – 10:00, courtroom 1
- **Popović et al.**: trial to resume, Thursday 21 August, 09:00, courtroom III
- **Gotovina et al.**: trial to resume, Monday 25 August, 09:00, courtroom II
- **S. Lukić & M. Lukić**: trial to resume on Monday 25 August, 09:00, courtroom II
- **V. Šešelj case** : trial to resume on Tuesday 26 August, at 08:30, courtroom I.

*Public proceedings are also broadcast with a 30 minute delay on the ICTY's website.*

### PROCEEDINGS COMPLETED WITH REGARD TO 115 ACCUSED

Since the very first hearing (referral 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 115 of them: 10 have been acquitted, 56 sentenced (three are awaiting transfer, 29 have been transferred, 22 have served their term, and two died while serving their sentence), 13 have had their cases transferred to local courts. Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).

Proceedings are on-going with regard to 46 accused: eight are at the appeals stage, one is awaiting the Trial Chamber's judgement, 27 are currently on trial, seven are at the pre-trial stage. One fugitive has been arrested but not yet transferred; two others are still at large.

**A further 24 individuals have been or are the subject of contempt proceedings.**

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