



CONTEMPT OF THE TRIBUNAL

7 February 2012



Jelena Rašić sentenced to 12 months' imprisonment

On 7 February, ICTY Trial Chamber III sentenced Jelena Rašić to 12 months' imprisonment for contempt of the Tribunal.

Rašić was given credit for the 78 days she had already spent in detention, and the Chamber ruled that the remainder of the sentence would be suspended for a period of two years.

Rašić was formerly a case manager on the Defence team of Milan Lukić, a Bosnian Serb who was sentenced by the Trial Chamber to life imprisonment for crimes committed in the eastern Bosnian town of Višegrad. She was convicted of having knowingly and wilfully interfered with the administration of justice by procuring a false witness statement from Zuhdija Tabaković in exchange for €1,000 in cash. This conviction followed the acceptance by the Trial Chamber of a Plea Agreement filed jointly by the Prosecu-

tion and the Defence, at a hearing during which the accused pleaded guilty to all five counts of contempt set out in an amended indictment filed jointly by the parties on 24 January 2012.

In rendering its judgement, the Chamber found that "the crimes which Jelena Rašić has admitted to having committed are grave. Procurement of false evidence in any situation amounts to direct interference with the administration of justice. When perpetrated before an international criminal jurisdiction, such as the Tribunal, such interference has far-reaching consequences."

In determining that it would be appropriate to suspend the remainder of Rašić's sentence, the

Trial Chamber took into account the difficult circumstances engendered by her being the only female detainee in the United Nations Detention Unit, Rašić's health condition, her comparably young age and the fact that this is the first time she has received a prison sentence.

Zuhdija Tabaković was convicted of contempt of the Tribunal on 15 March 2010, and was sentenced to three months' imprisonment.

A [summary of the judgement](#) in the Rašić case can be found on the ICTY website.

IN THE COURTROOMS

10 & 17 February 2012



Status conferences in Popović et al. and Hadžić

On 10 February, a status conference was held in the case of Popović et al., involving six (previously seven) former high-ranking Bosnian Serb military and police officials.

On 10 June 2010, Vujadin Popović, Ljubiša Beara, Ljubomir Borovčanin, Milan Gvero, Radivoje Miletić, Drago Nikolić, and Vinko Pandurević were found guilty of crimes relating to the massacre of thousands of Bosnian Muslim men and boys at Srebrenica in July 1995, and were given jail sentences ranging from 5 years to life imprisonment.

Gvero was released soon after the judgement, since his time served in detention covered more than two-thirds of the sentence handed down against him.

Neither the Prosecution nor the Defence have appealed the Trial Chamber's judgement with regard to Borovčanin.

A status conference was held in the case of Goran Hadžić on 17 February.

Hadžić, former President of the self-proclaimed Republic of Serbian Krajina, was indicted in 2004 by the Office of the Prosecutor for crimes against humanity and war crimes allegedly committed in eastern Slavonia, Croatia, between 1991 and 1993. He was arrested in Serbia on 20 July 2011, and transferred into the Tribunal's custody on 22 July.

At his further initial appearance on 24 August 2011, he pleaded not guilty to all of the charges laid against him.

The Case Information Sheets covering the [Popović et al.](#) and [Hadžić](#) cases trial can be found on the ICTY website.

TOLIMIR CASE

14 February 2012



Closing arguments scheduled

A scheduling order issued by Trial Chamber II has set the dates for final trial briefs and closing arguments in the case of Zdravko Tolimir.

The parties are to file their final briefs by no later than 31 May 2012. There will be no written responses to the briefs. The Prosecution will present its closing arguments on 21 August 2012, with the Defence presenting its arguments the next day, 22 August.

Tolimir is charged with genocide, conspiracy to commit genocide, crimes against humanity and violations of the laws or customs of war committed between July and November 1995 against Bosnian Muslims in Srebrenica and Žepa. During this period, Tolimir was the Assistant Commander for Intelligence and Security of the Main Staff of the VRS.

The Case Information Sheet covering the [Tolimir](#) trial can be found on the ICTY website.



IN THE COURTROOMS

14 February 2012



Appeals Chamber rejects proposed Amicus Curiae brief in Gotovina and Markač

On 14 February, the Appeals Chamber in the Gotovina and Markač case issued a decision denying an application and proposed Amicus Curiae brief filed on 13 January 2012 by 12 specialists in international humanitarian law.

The brief requested that the Appeals Chamber reconsider certain Trial Chamber findings concerning unlawful artillery attacks during Operation Storm.

The brief was filed pursuant to Rule 74 of the Rules of Procedure and Evidence which provides that a Chamber may, if it considers it desirable for the proper determination of a case, invite or grant leave to a State, organisation or person to appear before it and make submissions.

In concluding that the brief would not assist in determining the issues on appeal, the Appeals Chamber found that the brief repeats the work of the both Trial Chamber and the appeal briefs of the parties. The Chamber also noted that certain expert reports included in the application also form part of evidence Gotovina seeks to admit on appeal. Finally, the Chamber observed that the application failed to disclose that two of the specialists appear to have an association with the Gotovina Defence team.

The [Appeals Chamber's decision](#) can be found on the ICTY website.

RATKO MLADIĆ

15 February 2012



Trial scheduled to begin on 14 May 2012

The trial of Ratko Mladić, former Commander of the Bosnian Serb Army (VRS) Main Staff, has been scheduled to commence on Monday, 14 May 2012.

On 10 February 2012, the Office of the Prosecutor informed the Chamber that it would call a total of 410 witnesses, of which 158 are expected to appear in court. The Prosecution also intends to present approximately 27,906 exhibits during the course of its case, and estimates that it will use approximately 200 hours of hearing time to adduce its evidence.

Mladić stands accused of genocide and a multitude of crimes committed against Bosnian Muslim, Bosnian Croat and other non-Serb civilians in Bosnia and Herzegovina from May 1992 to late 1995.

The indictment alleges that forces under Mladić's command committed genocide, amongst other crimes, when they summarily executed over 7,000 Bosnian Muslim men and boys in Srebrenica in July 1995.

Mladić is also charged with genocide for crimes committed in eastern and north western Bosnia and Herzegovina. The indictment lists over 70 incidents of murder in 20 municipalities, and alleges that VRS forces tortured, mistreated, and physically, psychologically and sexually abused civilians con-

finied in 58 detention facilities in 22 municipalities. Mladić is also facing charges for the shelling and sniping of Sarajevo, during which thousands of civilians were killed and wounded.

According to the indictment, Mladić committed these and other crimes as part of a joint criminal enterprise whose objective was to eliminate or permanently remove Bosnian Muslim, Bosnian Croat and other non-Serb inhabitants from large areas of Bosnia and Herzegovina.

Other members of the alleged joint criminal enterprise indicted by the Tribunal include: Radovan Karadžić, former President of the self-proclaimed Republika Srpska and head of the Serbian Democratic Party and Supreme Commander of the VRS; Momčilo Krajišnik, former President of the Bosnian Serb Assembly; Biljana Plavšić, former Bosnian Serb Presidency Member; and Bosnian Serb Army generals Stanislav Galić and Radislav Krstić.

Mladić was arrested on 26 May 2011, 16 years after the Tribunal first indicted him. His initial appearance took place on 3 June 2011. At a further initial appearance on 4 July, a plea of not guilty was entered on his behalf.

The next status conference in the case will be held on Thursday, 29 March 2012 at 15:00.

JUDGEMENT SCHEDULED

17 February 2012



Tupajić contempt case

A judgement in the contempt case against Milan Tupajić will be rendered on Friday, 24 February, according to a scheduling order issued by the Trial Chamber.

Tupajić, the former president of the Serb municipality of Sokolac and former chief of the municipal Crisis Staff, was charged

with contempt of the Tribunal for failing to comply with, or to show good cause why he could not comply with, two subpoenas in which he was ordered to testify in the Karadžić case.

Tupajić was arrested on 13 December 2011 and his trial took place on 3 February 2012.

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 (one is awaiting transfer, 25 have been transferred, 35 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

Cases 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: 17 are at the appeals stage, 16 are currently on trial, and two are at the pre-trial stage.

34

A further 34 individuals have been or are the subject of contempt proceedings.