



Monday 9 July 2007

Highlights of 25/06/2007 through 06/07/2007 - Nr. 17

[25 June](#)**The President of the Supreme Court of Kosovo leads a working visit to the ICTY**

The Outreach Office is hosting a two-day working visit to the ICTY by a group of professionals from the judicial sector in Kosovo, headed by the President of the Supreme Court, Rexhep Haxhimusa. Organised and funded by the UNDP Transitional Justice Programme, the visit provides the group with an introductory programme to all aspects of the court's Judicial, Prosecutorial and Registry functions, as well as offering them an opportunity to attend courtroom sessions. The visit aims to strengthen channels of communication and encourage cooperation between the Kosovo Justice sector and the ICTY.

[26 June](#)**Prosecutor in Brussels: first Mladic!**

Addressing the Foreign Affairs Commission's members of the European Parliament today, the Prosecutor says that "no Association Agreement [between Serbia and the EU] should be signed before Mladic is arrested." Recalling that "90% of the accused presently in custody have been detained" following pressure by the EU, Carla Del Ponte stresses that the EU's conditionality principle had been "an essential and crucial instrument," and should not be abandoned.

[28 June](#)**The Tribunal "contributes to a reconciled Europe," says the Prosecutor in Strasbourg**

In her address to the Parliamentary Assembly of the Council of Europe, Carla Del Ponte draws a link between the Council of Europe and the Tribunal, saying they "both stand for noble causes: the success of the International Tribunal will contribute to a stable, united, reconciled Europe, through a shared commitment to common values. This is the Europe its peoples deserve."

A press release including a link to the Prosecutor's address was issued: OK/MOW/1169e at <http://www.un.org/icty/latest-e/index.htm>

[28 June](#)**Parliamentary Assembly of the Council of Europe adopts a resolution about the ICTY**

Resolution 1564 stresses "the importance of the ICTY which, in seeking justice, has played and continues to play a fundamental, pioneering role," and says that the continuous flight of fugitives such as Karadzic and Mladic "is an insult to the memory of the victims and to the expectations of the survivors of the conflict." Turning to the proceedings, the Assembly "urges the ICTY to invest additional efforts to maximize the effectiveness of the proceedings," and "calls on the Tribunal to set a date for the commencement of [the] trial" of Vojislav Seselj.

[2 July](#)**ICTY welcomes the first of eight interns from Serbia**

The first of eight students from Serbia begins work today as an intern at the Tribunal. Seven other interns from Serbia will arrive in the coming weeks to serve internships lasting from three to six months at the seat of the Tribunal in The Hague. Following this, they will serve an additional two-month internship at the War Crimes Chamber or War Crimes Prosecution Office in Belgrade.

The Tribunal is particularly pleased to support this War Crimes Law Internship Programme, as it creates an opportunity for the Tribunal to contribute directly to building the capacity of new generations in Serbia to try war crimes cases.

A press release was issued: AM/MOW/1170e at <http://www.un.org/icty/latest-e/index.htm>

[2 July](#)

Ad litem Judge Lattanzi to sit on the Delić trial

Judge Flavia Lattanzi of Italy is sworn in as an *ad litem* judge today. Judge Lattanzi has been appointed to serve on the trial of the former Bosnian Army Commander Rasim Delić, which is scheduled to begin on 9 July 2007.

The appointment of Judge Lattanzi brings the number of ad litem judges serving at the Tribunal to twelve.

[3 July](#)

“Not guilty” plea entered on behalf of Zdravko Tolimir

At his further initial appearance, Zdravko Tolimir again refuses to enter a plea to each count of the indictment. In accordance with Rule 62 (iv), Judge Prost enters a plea of not guilty on his behalf.

[4 July](#)

Escape of Stanković: President Pocar requests “urgent” information from BiH authorities

At the weekly press briefing held earlier today, ICTY spokesperson Refik Hodžić says that “President Pocar addressed a letter to Barisa Colak, Minister of Justice of Bosnia and Herzegovina (BiH) yesterday, to express his concern at the failure of the Bosnian authorities to report to the Tribunal on the circumstances of the escape of Radovan Stanković and the measures taken to secure his custody.

President Pocar requested such information in a letter sent to Minister Colak on 31 May, six days after Stanković, the first accused who was transferred from the Tribunal to Court of BiH, escaped from the Foča prison where he was serving a 20-year sentence for crimes committed in the area of Foča during early nineties. Referring to the lack of response, the President requests that the information is forwarded to the Tribunal as a matter of urgency.”

[5 and 6 July](#)

Prosecution fails to obtain a suspension of the beginning of the Delić trial but its request for referral of the case to Bosnia and Herzegovina is discussed at an emergency hearing of the Referral Bench

On Thursday 5 July, the Prosecution files two motions requesting a suspension of the start of the trial of Rasim Delić scheduled to commence on Monday 9 July, and the referral of the case to the authorities of Bosnia and Herzegovina (BiH) pursuant to Rule 11bis.

The Motions are based on the alleged fact that at a pre-trial conference held on 2 July, the Trial Chamber ordered the Prosecution to limit the number of witnesses to 55 and the presentation of its case to 170 hours: “unable to lead evidence on one of the four alleged crime bases,” the Prosecution says that the case is “limited to one geographic location and the crimes committed there over the course of a three-month period,” and that the new “limited scope” of the case makes it “eligible for transfer pursuant to Rule 11bis.”

Disposing urgently of the first Prosecution's Motion, Trial Chamber I (Judge Moloto, Presiding, Judge Harhoff and Judge Lattanzi) denies the request to suspend the commencement of the trial.

The Chamber recalled that it had not issued any “decision requiring the Prosecution to reduce its case pursuant to rule 73bis (D),” and that the Prosecution, in any case, “could have filed a request for leave to appeal,” instead of the “present Motion, [which is] inappropriate.”

In the meantime, the Defence for Rasim Delić had filed a Response in which “it strenuously opposed” both the Motion to suspend the commencement of the trial and the Motion to have the case referred to Bosnia and Herzegovina under Rule 11bis.

On 6 July, the President, Judge Pocar, appoints Judge Orie, Judge Kwon and Judge Parker to a Referral Bench, to “determine whether the [Delić] case should be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11bis.”

The Referral Bench holds an emergency hearing on Friday afternoon.

Update:

On Monday 9, the referral bench issues its Decision denying the Prosecution’s request for referral of the case. The Bench considered that “the alleged level of responsibility of the accused requires that the present case be tried before the Tribunal.

On the same day, Trial Chamber I denies a second motion by the Prosecution to

suspend the commencement of the trial. The trial opens as scheduled on Monday 9 July.

[6 July](#)

Prosecutor to attend Srebrenica commemoration ceremony

Carla Del Ponte will begin a working visit this Monday to Montenegro, Bosnia and Herzegovina and Croatia. She will first go to Podgorica (Montenegro), where she will have meetings with the President, the Prime Minister and other state officials involved in cooperation with the OTP. She will then travel to Bosnia and Herzegovina (BiH) where, in addition to meeting with state and international officials, she will participate in a conference of the International Association of Genocide Scholars in Sarajevo. On Wednesday 11 July, the Prosecutor will attend the annual Srebrenica commemoration ceremony at the Potočari memorial center and cemetery.

AUSTRIA EXTENDS THE LOAN OF ONE PRISON GUARD FOR ONE MORE YEAR

When the ICTY was established in 1993, the Security Council invited States, intergovernmental and/or non-governmental organizations to contribute funds, equipment and/or services to the Tribunal, including the offer of expert personnel.

On this basis, the ICTY Registrar approached the diplomatic missions of all Member States to elicit their assistance in providing the services of qualified prison staff, on either a reimbursable or non-reimbursable loan.

The Federal Government of Austria responded favorably to this request. Since 1998, Austria has made available on a reimbursable basis the services of one penitentiary personnel, who assists in the operations of the ICTY Detention Unit. On 31 May 2007, the Federal Government of Austria agreed to an extension of the arrangement for a further period from 1 June 2007 through 31 May 2008.

The Registrar of the ICTY, who oversees the Detention Unit, is grateful to the Austrian authorities, who have unconditionally supported the mission of the Tribunal.

ICTY PROCEEDINGS COMPLETED WITH REGARD TO 100 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 106 of them: five have been acquitted, 51 sentenced (seven are awaiting transfer, 26 have been transferred, 16 have served their term, and two died while serving their sentence), 14 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 55 accused: 11 are at the appeals stage, three are awaiting judgement by a Trial Chamber, 1 has been convicted by a Trial Chamber, 26 are currently on trial, 10 are at pre-trial and four are still at large.

The figure of the accused at the appeals stage includes Sefer Halilović, Fatmir Limaj and Isak Musliu (who have been acquitted and released but against whom an appeal by the Office of the Prosecutor is running), as well as Amir Kubura and Naser Orić. These two accused have been sentenced and granted early release (Kubura) and release (Orić), but the OTP has appealed against the Trial Chamber's Judgements.

A further 19 individuals have also been the subject of contempt proceedings.

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