



United Nations



International Criminal Tribunal for the former Yugoslavia

The ICTY Digest

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Highlights of 26/05/2008 through 06/06/2008 - Nr. 38

DIPLOMATIC SEMINAR TO BE HELD TOMORROW

On the occasion of the 15th anniversary of the International Criminal Tribunal for the former Yugoslavia, the President, Judge Fausto Pocar, the Prosecutor, Serge Brammertz, and the Registrar, Hans Holthuis, will address the diplomatic community during a DIPLOMATIC SEMINAR.

The Seminar will take place tomorrow, Tuesday 10 June 2008, from 10:00 to 12:00 and will be followed by a reception.

Should you not have received your personal invitation, please contact Gea van der Werf, at +31.70.512.85.99 or at vanderwerf@un.org.

26 May

Trial Chamber grants Stanišić and Simatović provisional release but stays its Decision...

...until the Appeals Chamber disposes of the appeals filed by the Prosecution against the provisional release of the accused.

On 16 May, the Appeals adjourned the trial of Jovica Stanišić and Franko Simatović for a minimum of three months and ordered a reassessment of the state of health of Jovica Stanišić before determining when the trial should resume.

27 May

ICTY and OSCE undertake legacy project

President Fausto Pocar and Ambassador Christian Strohal of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) sign in Vienna (Austria) an exchange of letters on cooperation on a joint project aimed at identifying the Tribunal's best practices when providing assistance to courts, judges, prosecutors and other legal professionals in building and strengthening their capacity to hold fair trials in the territory of the former Yugoslavia.

This agreement is part of a broader range of legacy projects that President Pocar has been promoting on behalf of the Tribunal. See press release at:

<http://www.un.org/icty/pressreal/2008/pr1256e.htm>

28 and 29 May

New contempt case related to the Šešelj trial

Ljubiša Petković is transferred from Serbia to the Tribunal following his indictment for contempt by Trial Chamber III. The charge of contempt is based on his failure to answer a subpoena issued by the Trial Chamber on 7 April 2008 to appear as a witness for the Chamber in the case of Vojislav Šešelj.

On 29 May, Ljubiša Petković makes his initial appearance, and pleads not guilty.

29 May and 3 June

Two contempt trials related to the Haradinaj et al. case scheduled

Granting a Defence motion pertaining to the accused's right to sufficient time to prepare for their defence, Trial Chamber I on 29 May reschedules the trial of Astrit Haraqija and Bajrush Morina: it will be held from 8 to 12 September (instead of 16 to 20 June).

Astrit Haraqija and Bajrush Morina were indicted in April 2008 for their alleged attempt to persuade a protected witness not to testify against Ramush Haradinaj. At the time of rendering its Judgement in the case against Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj, the Trial Chamber noted "the significant difficulties encountered by the Chamber in securing testimony of a large number of witnesses" during the trial.

On 3 June, Trial Chamber I orders that the trial of Baton Haxhiu will be held on Tuesday 24 June and Thursday 26 June. An order terminating the provisional release granted to Baton Haxhiu on 23 May will be issued in due course.

A journalist from Kosovo, Baton Haxhiu was charged with contempt after revealing the identity of a protected witness in the trial of Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj.

[3 June](#)

Minister of Justice of Norway visits the Tribunal

Mr. Knut Storberget, and a number of his closest aides, meet with Deputy Registrar John Hocking, Acting Deputy Prosecutor Norman Farrell and Vice President Judge Kevin Parker.

[4 June](#)

President Pocar addresses the Security Council and stresses that local judicial institutions must be able to continue the Tribunal's work

As part of his Report on the Completion Strategy, President Pocar highlights the Tribunal's efficiency and successes, and says that retaining ICTY's highly skilled staff is one of the key challenges facing the organisation.

He reiterates that the Tribunal shall not close its doors before all four fugitives are tried and urges the Security Council to make clear that the trial of these accused by the international community does not hinge upon the proposed Completion Strategy dates.

A third crucial challenge, he stresses, is the further development of judicial institutions in the former Yugoslavia: it would be a serious miscalculation on the part of the international community to neglect domestic justice institutions in the region, he says, adding that the Tribunal's Completion Strategy should be understood as a strategy for the continuation by domestic actors of the ICTY's work.

The full text of the President's address can be found at <http://www.un.org/icty/pressreal/2008/pr1258e.htm>

[4 June](#)

Prosecutor Brammertz tells the Security Council that victims demand the justice that was promised 15 years ago

In his first progress report to the Security Council as ICTY Prosecutor, Serge Brammertz takes stock of the work of his office and highlights the importance of assisting colleagues in the region so that they can continue to effectively prosecute war crimes cases.

Addressing the issue of fugitives, the Prosecutor says: "I cannot think of a situation in which the Tribunal (...) will close its doors without having tried all remaining fugitives. During my trip to Bosnia and Herzegovina last March, I met with a number of victims' associations. After all these years, their demands for justice are unwavering and unanswered in respect of the fugitives. (...). They have never given up. And neither can we. We owe them the justice that was promised 15 years ago, when this Tribunal was set up."

The full text of the Prosecutor's address can be found at <http://www.un.org/icty/pressreal/2008/pr1259e.htm>

FOUR 'RULE 11BIS' ACCUSED SENTENCED IN ZAGREB AND SARAJEVO

Rule 11*bis* of the Rules of Procedure and Evidence of the Tribunal provides for the possibility of referring a case involving intermediate and lower-rank accused to competent national jurisdictions. Pursuant to this Rule, a total of eight cases involving 13 persons initially indicted by the ICTY have been referred to courts in the former Yugoslavia: ten accused have been transferred to the authorities of Bosnia and Herzegovina, two accused have been transferred to the authorities of Croatia, and one accused has been transferred to Serbia.

On Friday 30 May 2008, the Zagreb District Court announced its verdict in the case of Rahim Ademi and Mirko Norac, whose case ("Medak Pocket") had been referred to Croatia on 1 November 2005 and whose trial had begun on 18 June 2007. Rahim Ademi was acquitted; Mirko Norac was convicted of war crimes against civilians and war prisoners and sentenced to seven years' imprisonment.

On the same day, the Section of War Crimes of the State Court of Bosnia and Herzegovina (BiH) found Željko Mejakić, Momčilo Gruban and Duško Knežević guilty of crimes against humanity committed at the Omarska and Keraterm camps. Željko Mejakić was sentenced to 21 years' imprisonment, Momčilo Gruban to 11 years and Duško Knežević to 31 years. Initially indicted by the ICTY, the three men were transferred to BiH on 9 May 2006, and their trial started on 20 December 2006.

A fourth accused in the case, Dušan Fuštar, last April pleaded guilty to crimes against humanity and on 22 April was sentenced to nine years' imprisonment.

THE COURTROOM SCHEDULE FOR THE PERIOD 9 – 20 JUNE...

...reads as follows:

MONDAY 9 JUNE

Courtroom I 09:00 – 13:45, **Delić**, Closing arguments OTP
14:15 – 19:00, **Prlić**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

TUESDAY 10 JUNE

Courtroom I 09:00 – 13:45, **Delić**, Closing arguments Defence
14:15 – 19:00, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Popović et al**, Trial

WEDNESDAY 11 JUNE

Courtroom I 09:00 – 13:45, **Delić**, Trial
14:15 – 19:00, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Popović et al**, Trial

THURSDAY 12 JUNE

Courtroom I 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Šešelj**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Popović et al**, Trial

FRIDAY 13 JUNE

Courtroom I 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

MONDAY 16 JUNE

Courtroom I 14:15 – 19:00, **Prlić**, Trial
Courtroom II 14:15 – 19:00, **Momcilo Perisić**, Motion hearing (closed session)
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

TUESDAY 17 JUNE

Courtroom I 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Prlić**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

WEDNESDAY 18 JUNE

Courtroom I 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Prlić**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

THURSDAY 19 JUNE

Courtroom I 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Prlić**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

FRIDAY 20 JUNE

Courtroom I 10:00 – 12:00, **Djordjević**, Status Conference
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

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

PROCEEDINGS COMPLETED WITH REGARD TO 113 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 113 of them: nine have been acquitted, 55 sentenced (two are awaiting transfer, 31 have been transferred, 20 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 48 accused: 10 are at the appeals stage, two are awaiting the Trial Chamber's judgement, 26 are currently on trial, six are at the pre-trial stage, and four are still at large.

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

The ICTY Digest is a publication of the Registry, prepared and produced by the LPTV Section.
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