



Tuesday 25 May 2010

Highlights of 10/05/2010 through 21/05/2010 - Nr. 78

[10 May](#)

Mladić indictment amendments proposed by OTP

The Office of the Prosecutor released a statement saying that they had filed a motion to amend the indictment against Ratko Mladić, former Commander of the Main Staff of the Bosnian Serb Army (VRS):

“The proposed amended indictment charges Ratko Mladić with 11 counts of genocide, crimes against humanity and violations of the laws and customs of war in relation to the ethnic cleansing in Bosnia and Herzegovina from 1992-1995, the terror campaign against civilians during the siege of Sarajevo from 1992-1995, the taking of UN personnel as hostages in May and June 1995, and the genocide in Srebrenica in July 1995. As set out in the Indictment, Ratko Mladić together with Radovan Karadžić was a key member of an overarching joint criminal enterprise the objective of which was the permanent removal of Bosnian Muslims and Croats from the territory in Bosnia and Herzegovina that Bosnian Serbs claimed for themselves. To achieve this aim, Ratko Mladić, acted in concert with others to commit crimes in different locations and at different times as alleged in the indictment. As the most senior officer of the Bosnian Serb Army during the war, Ratko Mladić was the superior of members of the VRS and other Serb forces integrated into or subordinated to the VRS. As such, he had effective control over the forces who participated in the crimes alleged. Ratko Mladić is charged with planning, instigating and ordering each of the crimes.”

The statement concludes: “Eighteen years have passed since the first crimes listed in this indictment were committed. The first indictment against him was confirmed on 25 July 1995, yet he remains a fugitive to this date. The Prosecutor of the ICTY urges Serbia and the international community to take all necessary measures to secure his arrest. His arrest is long overdue.”

[12 & 13 May](#)

Prosecutor in Belgrade

Following his trip to Bosnia and Herzegovina two weeks ago, Prosecutor Serge Brammertz travelled to Belgrade on the second of his planned working visits to the region of the former Yugoslavia in preparation for the OTP's biannual report to the UN Security Council.

In Belgrade, Prosecutor Brammertz met with Prosecutor Vukčević and other members of Serbia's Action Team. The Prosecutor also met President Tadić, Prime Minister Cvetković and Minister Ljajić. The main topic of all of the meetings was the cooperation of Serbia with the Office of the Prosecutor and other matters related to the Tribunal's Completion Strategy.

The Prosecutor plans to travel to Zagreb towards the end of May.

[12 May](#)

Dario Kordić denied early release

On 12 May, President Robinson issued a decision denying Dario Kordić early release. In custody since October 1997 and currently serving his 25-year sentence in an Austrian jail, Kordić "became eligible for conditional release under Austrian law as of 6 April 2010, after serving one-half of his prison sentence." However, President Robinson noted that the majority of ICTY convicts do not become eligible before having served two-thirds of their sentence, and expressed "the view that the amount of time that Mr Kordić has served for his crimes does not militate in favour of his early release." Furthermore, the President considered that "the crimes for which Mr Kordić was convicted are of a very high gravity, which is a factor that weighs against his early release (...)" and also outweighs the "fact that Mr. Kordić has demonstrated some rehabilitation (...)".

A leading political figures in the Bosnian Croat community during the war, in February 2001 Kordić was sentenced to 25 years' imprisonment for instigating and ordering crimes (persecutions, unlawful attacks on civilians and civilian objects, murder, inhumane acts, imprisonment, wanton destruction not justified by military necessity, plunder, destruction or willful damage to institutions dedicated to religion or education) against Bosnian Muslim civilians committed in the municipalities of Travnik, Vitez, Busovača, and Kiseljak in central Bosnia and

Herzegovina. Although the Appeals Chamber affirmed Kordić's sentence in December 2004, although they also overturned a number of his convictions. Kordić was transferred to Austria on 8 June 2006.

[13 May](#)

Krstić case: President Robinson requests a report from the British authorities

Upon learning of reports of an assault on Radislav Krstić by inmates of the British prison where he is serving his sentence, President Robinson wrote to the British Ambassador, saying that "In view of the gravity and urgency of this matter, I request that the United Kingdom furnish the Tribunal with a report of the incident involving Mr Krstic and the steps that are currently being taken in relation to it. I would greatly appreciate this report at the earliest opportunity, and in any event no later than Monday, 17 May 2010."

President Robinson informed Krstić's lawyer and Rasim Ljajić, President of the Serbian National Council for Cooperation with the ICTY, about his request to the British authorities.

[18 & 19 May](#)

Archives and Contracts at the centre of the Registrar's visit to UNHQ

Registrar John Hocking held a series of meetings over two days in New York. The Registrar was accompanied by ICTY Archivist Elizabeth Emmerson. The archiving of ICTY materials and the logistical arrangements for their transfer to any possible residual mechanism were at the centre of their meetings with the Archives and Records management Section (ARMS).

Another subject raised during the Registrar's visit to UNHQ were the modalities for the contracts of ICTY staff members in line with the updated trial schedule.

[19 May](#)

Boškoski & Tarčulovski Appeals judgement

On 19 May, the Appeals Chamber (Judge Robinson, Presiding, Judge Guney, Judge Liu, Judge Vaz, and Judge Meron) affirmed the conviction of Johan Tarčulovski, previously a police officer in the former Yugoslav Republic of Macedonia (FYROM), for having ordered, planned and instigated crimes committed against ethnic Albanians during a police operation conducted on 12 August 2001 in the village of Ljuboten in the northern part of the FYROM. His sentence of 12 years' imprisonment was upheld.

The Appeals Chamber also affirmed the acquittal of Ljube Boškoski, Minister of Interior of the FYROM from May 2001 until November 2002.

A press release, which can read be in full on the ICTY website, said that: "In dismissing Johan Tarčulovski's jurisdictional challenges, the Appeals Chamber held that the fact that a State resorted to force in self-defence in an internal armed conflict against an armed group does not, in and of itself, prevent the qualification of crimes committed therein as serious violations of international humanitarian law (...) and found that the Trial Chamber did not err in applying the laws or customs of war even if the FYROM had been acting in lawful self-defence against terrorists in an internal armed conflict."

With regard to Boškoski's acquittal, "the Appeals Chamber was satisfied that the Trial Chamber had correctly held that a superior may, under specific circumstances, discharge his obligation to punish an offending subordinate by reporting to the competent authorities, provided that this report is likely to trigger an investigation or initiate disciplinary or criminal proceedings."

[20 May](#)

Prosecutor travels to Madrid

In Madrid, the Prosecutor met with Angel Moratinos, the Foreign Minister of Spain, which currently holds the Presidency of the European Union.

The meeting is a continuation of the Prosecutor's regular working meetings with EU representatives.

Prosecutor Brammertz and Ms Moratinos discussed issues relevant to the work of the Office of the Prosecutor, the Tribunal's completion strategy and the cooperation of states.

[20 May](#)

Šešelj contempt case (no. 1): conviction and sentence affirmed by Appeals Chamber

On 20 May, the Appeals Chamber (Judge Meron, Presiding, Judge Guney, Judge Pocar, Judge Vaz, and Judge Flugge) issued in writing its judgement in the first contempt case against Vojislav Šešelj.

The Chamber "dismissed all the grounds of appeal advanced by Šešelj" against the judgement of 24 July 2009 which found him guilty of contempt and sentenced him to 15 months' imprisonment for disclosing the name and other personal details of protected witnesses in a book he authored. The Chamber affirmed this sentence. It also ordered "Šešelj to immediately implement the Decision (...) in which the

Appeals Chamber ordered him to remove the Book [and other documents] from his internet website."

In the initial judgement, the Trial Chamber found that the accused disclosed confidential information "intentionally, with the knowledge that by doing so, he was violating Trial Chamber orders". Noting "with grave concern the deliberate way in which the protective measure decisions... were defied," Judge O-Gon Kwon, presiding, added that the "Chamber considers this a serious interference with the administration of justice, particularly given the potential adverse impact of such conduct upon witnesses' confidence in the Tribunal's ability to guarantee the effectiveness of protective measures."

[20 May](#)

**Dorđević case:
evidentiary phase
of the trial
completed**

The Defence for Vlastimir Đorđević have rested their case. The closing arguments will be heard by the Trial Chamber on 13 and 14 July.

A former Assistant Minister of the Serbian Ministry of Internal Affairs (MUP) and Chief of the Public Security Department of the MUP, Đorđević is accused of crimes against humanity and war crimes allegedly committed against Kosovo Albanian civilians in 1999.

Đorđević's trial started on 27 January 2009 and lasted 197 days. The Prosecution case was rested on 28 October 2009 and the Defence case commenced on 30 November 2009. The Parties called 132 witnesses: 105 for the OTP and 27 for the Defence.

COURTROOM SCHEDULE: 25 MAY – 4 JUNE

TUESDAY 25 MAY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
14:15 – 19:00, **Đorđević**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial

WEDNESDAY 26 MAY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
14:15 – 19:00, **Đorđević**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

THURSDAY 27 MAY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
14:15 – 19:00, **Đorđević**, Trial
Courtroom II 09:00 – 13:45, **Stanišić & Župljanin**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial

FRIDAY 28 MAY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
14:15 – 19:00, **Đorđević**, Trial
Courtroom II 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial

MONDAY 31 MAY

Courtroom I 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Karadžić**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

TUESDAY 1 JUNE

Courtroom I 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Karadžić**, Trial
Courtroom III 09:30 – 11:00, **Stanišić & Župljanin**, Trial
14:15 – 19:00, **Perišić**, Trial

WEDNESDAY 2 JUNE

Courtroom I 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Stanišić & Župljanin**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Perišić**, Trial

THURSDAY 3 JUNE

Courtroom I 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Stanišić & Župljanin**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Perišić**, Trial

FRIDAY 4 JUNE

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom II 14:15 – 19:00, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial

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

PROCEEDINGS COMPLETED WITH REGARD TO 123 ACCUSED

Since the very first hearing (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 123 of them: 12 have been acquitted, 62 sentenced (four are awaiting transfer, 26 have been transferred, 30 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 38 accused: 11 are at the appeals stage and 25 are currently on trial. Two fugitives are still at large.

A further 31 individuals have been or are the subject of contempt proceedings.

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