



Wednesday 21 September 2011

Highlights of 29/08/2011 through 16/09/2011 – Nr. 102

## 6 September : **Perišić sentenced to 27 years in prison**

After finding him guilty of crimes against humanity and war crimes committed in Bosnia and Herzegovina and Croatia, ICTY Trial Chamber I sentenced Momčilo Perišić to 27 years of imprisonment.

Perišić, the most senior officer and Chief of the General Staff of the Yugoslav Army from 26 August 1993 to 24 November 1998, was found guilty of aiding and abetting murders, inhumane acts, persecutions on political, racial or religious grounds, and attacks on civilians in Sarajevo and Srebrenica. He was also found guilty of failing to punish his subordinates for their crimes of murder, attacks on civilians and injuring and wounding civilians during the rocket attacks on Zagreb on 2 and 3 May 1995. He was acquitted of charges of aiding and abetting extermination as a crime against humanity in Srebrenica and of command responsibility in relation to crimes in Sarajevo and Srebrenica.

The Trial Chamber found that Perišić oversaw the Yugoslav Army's provision of extensive logistical assistance to the Army of Republika Srpska and the Army of Serbian Krajina, the self-proclaimed Croatian Serb entity, which notably included vast quantities of infantry and artillery ammunition, fuel, spare parts, training and technical assistance. Such assistance "*became more centralised, structured and coordinated during General Perišić's tenure*" - Judge Bakone Justice Moloto, presiding, said while reading the judgement.

General Perišić also proposed and implemented the idea to create Personnel Centres to maintain the status of military officers of the Yugoslav Army for those who serve in the VRS (30th Personnel Centre) and SVK (40th Personnel Centre).

The judgment was the first handed down by the Tribunal in a case against an official of the Federal Republic of Yugoslavia for crimes committed in Bosnia and Herzegovina.

The full text of the judgement, along with a summary and press release, can be found on the Tribunal's website: <http://www.icty.org/case/perisic/4#tjug>

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## 18 September : **ICTY welcomes unprecedented number of visitors for The Hague International Day**

More than 750 members of the public passed through the Tribunal's doors on 18 September 2011 as part of the fourth annual 'International Day' organised by the Municipality of The Hague. Record visitor numbers, which more than doubled those of 2010, illustrated the high level of public interest in the work of the ICTY.

Commenting on the International Day, Registrar John Hocking said: "*As its mandate draws to a close, the ICTY welcomes the opportunity to take part in such events and to present its work and achievements to the public. I am particularly pleased that this year so many visitors took advantage of the Open Day and came to the Tribunal to learn more about its mandate and functioning.*"

For the first time in the ICTY's history, members of the public were given open access to one of its courtrooms. Visitors were able to sit on the Judges' bench, or take the places of the Prosecution or the Defence Counsel while listening to presentations by ICTY staff on how the Tribunal's courtrooms operate. An exhibition and a film introduced visitors to the ICTY, whilst question and answer sessions with Judge Alphons Orie and Prosecutor Serge Brammertz gave visitors a personalised insight into the Tribunal's core activities. ICTY officials were on hand throughout the day to meet visitors, to answer their questions and to present the work and achievements of the Tribunal. Courtroom presentations and general presentations also took place throughout the day.

In addition, the ICTY welcomed visitors to its stand at the International Fair, held at the World Forum Convention Centre on the same day. The Fair provided international organisations and NGOs based in The Hague with an occasion to present themselves to around 2,500 visitors and to answer questions.

**8 September****Ivica Rajić  
granted early  
release**

President Robinson's decision granting early release to Ivica Rajić was made public on 8 September.

On 26 October 2005, Rajić, a former unit commander of the Bosnian Croat Army, pleaded guilty to four grave breaches of the Geneva Conventions, in connection with the October 1993 attack on the central Bosnian village of Stupni Do, near the town of Vareš. Rajić commanded the attack, which resulted in the murder of 31 Bosnian Muslim civilians - including women and children - as well as the destruction of the village. On 8 May 2006, Rajić was sentenced to 12 years' imprisonment, with credit being given for time already served since 5 April 2003. He was transferred to Spain to serve the remainder of his sentence on 13 April 2007.

In his decision on release, the President states that, while the gravity of Rajić's crimes is very high, "the time that he has served in detention, his demonstration of some rehabilitation, and the fact that he has provided the co-operation required of his plea agreement militates in favour" of his early release.

The full text of the President's decision can be found on the Tribunal's website: <http://www.icty.org/x/cases/rajic/presdec/en/110822.pdf>

**12 September****Prosecutor in  
Belgrade**

On 12 and 13 September, ICTY Prosecutor Serge Brammertz paid a working visit to Belgrade. It was the first visit following the recent arrests of Ratko Mladić and Goran Hadžić. During his mission, the Prosecutor discussed these recent successful developments and addressed current and future co-operation between the Office of the Prosecutor (OTP) and Serbia.

The Prosecutor met with President Boris Tadić, Minister Rasim Ljajić, War Crimes Prosecutor Vladimir Vukčević and members of the Action Team who were in charge of locating and arresting fugitives. He also met with members of Serbia's operational services who were involved in the arrests of Mladić and Hadžić and recognised their critical contribution to securing these arrests. He said that Serbia had fully met a key international obligation with regard to the Tribunal. While an important chapter in the co-operation was concluded, the Prosecutor stated to officials that it was also important to determine how Mladić and Hadžić were able to evade justice for so long. Serbian authorities have indicated that they would continue to investigate the matter.

The Prosecutor also emphasised the need for the continuing co-operation with Serbia in relation to ongoing trials and appeals, in particular by providing unhindered access to documents, archives and witnesses.

Finally, the Prosecutor stressed that Serbia and countries in the region should demonstrate their support to the effective prosecution of war crimes domestically. The OTP will continue to support this process by exchanging knowledge and experience with countries in the region.

**13 September****ICTY delivers  
priority  
transcripts to BiH  
and Serbia**

The Tribunal recently delivered 1,700 pages of trial transcripts in the Bosnian, Croatian and Serbian language to the judicial authorities in Bosnia and Herzegovina and Serbia. This delivery was made in response to a request for priority transcripts made by authorities in to support their ongoing war crimes investigations and prosecutions.

The delivery of these trial transcripts brings the total number of pages in response to priority requirements from BiH, Croatian and Serbian judicial authorities to 18,000. This is the last set of priority transcripts to be delivered as part of the War Crimes Justice Project (WCJP) which has been dedicated to improving the ability of legal practitioners in the region to access and utilise testimony given before the ICTY. In addition to these 18,000 priority pages, the ICTY continues to produce trial transcripts in key cases identified by regional stakeholders. Before the WCJP ends in October 2011, a total of 60,000 pages of ICTY trial transcripts will be available in the local languages.

"I am very happy that the WCJP has enabled us to provide our colleagues in the region with transcripts of the Tribunal's trials in their languages," said John Hocking, Registrar of the ICTY. "This part of the Project has been instrumental in making the Tribunal's materials more accessible and user-friendly to legal practitioners and the public in general, and will undoubtedly be of great benefit to the processing of war crimes cases across the former Yugoslavia."

Acknowledging the value of delivery of transcripts, Vladimir Vukčević, Serbian War Crimes Prosecutor, stated: "Transcripts from the trials before the ICTY provide the possibility for our prosecution office to identify new information, witnesses or evidence that can be helpful in our own war crimes investigations and trials in Serbia. The transcripts are one of the examples of direct co-operation between the Tribunal and the national judiciaries in domestic war crimes proceedings, and results of the Tribunal's work, like this one will continue to be of significant assistance to our judiciary."

*The War Crimes Justice Project is a 4-million euro regional project funded by the European Union and carried out by the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in partnership with the ICTY, the UN Interregional Crime and Justice Research Institute (UNICRI) and OSCE field operations.*

## 16 September

### Kabashi sentenced for contempt of the Tribunal

On 26 August 2011, Kabashi pleaded guilty to charges that he knowingly and wilfully interfered with the Tribunal's administration of justice by contumaciously refusing or failing to answer questions as a witness in the case of Ramush Haradinaj and others on two occasions in June and November 2007. The Trial Chamber accepted his plea on 31 August 2011, entering a finding of guilt.

*"By contumaciously refusing or failing to answer questions as a witness, Mr Kabashi deprived the Haradinaj et al. Trial Chamber of evidence relevant for an effective ascertainment of truth in the adjudication of that case,"* the Presiding Judge Alphons Orié said today pronouncing the Sentencing Judgment.

In its sentencing judgement, the Trial Chamber found that the motives submitted by the Defence for Kabashi's refusal or failure to answer questions remained vague and could not be considered in determining the appropriate sentence.

The Chamber considered as mitigating factors Kabashi's family situation and the fact that, according to medical documentation, he suffers from Post-Traumatic Stress Disorder which worsens in a prison environment.

Although the Trial Chamber considered the apology Kabashi expressed along with his guilty plea to be genuine, the Chamber afforded to such remorse a reduced mitigating weight because of the fact that Kabashi had failed to come before the Tribunal to face the charges against him for more than four years.

Charges against Kabashi were first brought on 5 June 2007, and then amended on 18 February 2008. Kabashi was arrested on 17 August 2011 by the Dutch authorities and transferred to the Tribunal's custody on 18 August 2011. His initial appearance before the Presiding Judge of the Trial Chamber was held on 19 August 2011.

The full text of the summary of the judgment is now available on the Tribunal's website: [http://www.icty.org/x/cases/contempt\\_kabashi/tjug/en/110916\\_judgement\\_summary.pdf](http://www.icty.org/x/cases/contempt_kabashi/tjug/en/110916_judgement_summary.pdf)

### Tribunal's Outreach programme receives support from the Finnish government

The Tribunal's Outreach programme recently announced the receipt of generous support from the government of Finland to help intensify the ICTY's educational efforts in the region of the former Yugoslavia. This support will enable the Outreach programme to implement a round of high school and university presentations, aimed at pupils and students in Bosnia and Herzegovina, Croatia, Serbia and Kosovo in 2011–2012 academic year.

The high school project will include a series of multimedia presentations by representatives of the Tribunal covering the main issues the ICTY deals with relevant to the respective countries. The students will have the opportunity to learn about and discuss the work and achievements of the Tribunal and its contribution to the establishment of facts and post-conflict justice in their region. The students will also discuss the importance of criminal justice in rebuilding their societies after conflict.

In the university part of the project, the Tribunal's legal experts will deliver a series of lectures on specialist topics at faculties of law and criminology. This will provide the students with a unique opportunity to learn first hand about complex and often misunderstood issues regarding the international justice system and its development, and benefit from discussions with practitioners.

The upcoming project builds on the Outreach programme's previous experiences during successful activities targeted at young people. High school presentations were previously held during the 2006–2007, 2008–2009 and 2010-2011 school years in Kosovo, when more than 2000 students from over 50 schools learned about the Tribunal's work. Similarly, over the past few years, ICTY judges and legal experts have held a series of lectures for university students in the region, including via video-link, over past years. The new programme will consolidate and expand the previous efforts both geographically and in terms of content offered to students.

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# COURTROOM SCHEDULE: 21 SEPTEMBER – 7 OCTOBER

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

WEDNESDAY 21 SEPTEMBER	Courtroom I	09:00 – 13:45	Karadžić	Trial
	Courtroom II	09:30 – 11:00	Đorđević	Status conference
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
THURSDAY 22 SEPTEMBER	Courtroom I	09:00 – 13:45	Karadžić	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
FRIDAY 23 SEPTEMBER	Courtroom II	09:00 – 13:45	Stanišić & Župljanin	Trial
MONDAY 26 SEPTEMBER	Courtroom I	09:00 – 13:45	Haradinaj et al.	Trial
TUESDAY 27 SEPTEMBER	Courtroom I	09:00 – 13:45	Haradinaj et al.	Trial
		14:15 – 19:00	Karadžić	Trial
WEDNESDAY 28 SEPTEMBER	Courtroom I	09:00 – 13:45	Haradinaj et al.	Trial
		14:15 – 19:00	Karadžić	Trial
THURSDAY 29 SEPTEMBER	Courtroom I	09:00 – 13:45	Haradinaj et al.	Trial
		14:15 – 19:00	Karadžić	Trial
	Courtroom III	15:30 – 17:00	Gotovina & Markač	
FRIDAY 30 SEPTEMBER	Courtroom I	09:00 – 13:45	Haradinaj et al.	Trial
		14:15 – 19:00	Karadžić	Trial
MONDAY 3 OCTOBER	Courtroom I	09:00 – 13:45	Karadžić	Trial
		14:15 – 19:00	Haradinaj et al.	Trial
TUESDAY 4 OCTOBER	Courtroom I	09:00 – 13:45	Karadžić	Trial
		14:15 – 19:00	Haradinaj et al.	Trial
	Courtroom II	14:15 – 19:00	Stanišić & Simatović	Trial
	Courtroom III	11:00 – 13:00	Popović et al.	Status conference
WEDNESDAY 5 OCTOBER	Courtroom I	09:00 – 13:45	Karadžić	Trial
		14:15 – 19:00	Haradinaj et al.	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
THURSDAY 6 OCTOBER	Courtroom I	09:00 – 13:45	Karadžić	Trial
		14:15 – 19:00	Haradinaj et al.	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	14:30 – 16:00	Mladić	Status conference
FRIDAY 7 OCTOBER	Courtroom I	09:00 – 13:45	Haradinaj et al.	Trial

## 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 (four are awaiting transfer, 25 have been transferred, 31 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** Another 36 cases have been 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: 16 are at the appeals stage, 17 are currently on trial, and two are at the pre-trial stage.
- 33** A further 33 individuals have been or are the subject of contempt proceedings.

### THE WAR CRIMES JUSTICE PROJECT

aims to facilitate the transfer of knowledge and materials from the ICTY to legal professionals in the former Yugoslavia, thereby enhancing the capacity of judiciaries in the region to handle complex war crimes cases.

The project is funded by the European Union and implemented by the ICTY in partnership with the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and OSCE field operations in the region.

[www.icty.org/sections/Outreach/CapacityBuilding](http://www.icty.org/sections/Outreach/CapacityBuilding)

- 34,000** Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.
- 12,900** Total number of transcript pages delivered to the regional judiciaries between October 2010 and June 2011.
- 13,000** Total number of pages publicly available on the ICTY Court Records Database to date: <http://icr.icty.org/>
- 130** Total number of legal professionals from regional judiciaries who have so far received training on searching and accessing publicly available ICTY material.

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Registrar: John Hocking.

International Criminal Tribunal for the former Yugoslavia  
Churchillplein 1, 2517 JW The Hague, the Netherlands

[www.icty.org](http://www.icty.org)

Extracts of, and/or quotes from, legal documents are not authoritative; only the Order, Decision or Judgement in its entirety reflects the opinion of the Trial Chamber and/or the Appeals Chamber.

Queries and comments:

Nick Beston  
Associate Public Information Officer  
+31.70.512.89.43 | [beston@un.org](mailto:beston@un.org)

Emma Coffey  
Assistant  
+31.70.512.53.99 | [coffeye@un.org](mailto:coffeye@un.org)