



Monday 9 May 2011

Highlights of 18/04/2011 through 06/05/2011 – Nr. 95

3 May
ICTY conducts training session of BiH legal professionals

The ICTY recently held a two-day training session with judges and prosecutors from the district courts and prosecutor's offices in Banja Luka, Bijeljina, Doboje and East Sarajevo in Bosnia and Herzegovina, as part of the War Crimes Justice Project (WCJP).

The goal of the training, which took place at the Judicial and Prosecutorial Training Centre in Banja Luka, was to share the Tribunal's institutional knowledge and specialised skills with jurisdictions in the region as a means of enhancing their capacity to handle complex war crimes cases.

Commenting on the training session, Christopher Engels, the WCJP Regional Coordinator, said: "Those working on war crimes cases in the region face many challenges, from political pressure to a lack of support staff and funding. These challenges coupled with the complex nature of war crimes cases, make the work of these legal professionals extremely difficult." Engels added that "in responding to our local counterparts' requests for hands-on ICTY research training...the ICTY has addressed a real and urgent need. These trainings exemplify the practical ways in which we can support the hard work of the region's justice actors in their continued efforts to fairly and efficiently process war crimes cases."

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

4 May
Prosecutor visits Croatia

As part of a series of regular working visits to the region in preparation for the next report to the UN Security Council, Prosecutor Brammertz recently travelled to Zagreb.

The Prosecutor met with the Prime Minister, the Minister of Justice, and the State Prosecutor to discuss co-operation between Croatia and the Office of the Prosecutor. He also met with members of the diplomatic community.

4 May
Šešelj 98 bis motion denied

In the case of Vojislav Šešelj, the Trial Chamber dismissed the accused's motion for acquittal, concluding by majority - Judge Antonetti dissenting - that the evidence presented thus far is capable of sustaining a conviction on all nine counts of the indictment.

Rule 98 bis: after the Prosecution concludes the presentation of its evidence, the Defence can ask for the dismissal of the case, if it believes that the presented evidence was insufficient to prove the charges. If the Trial Chamber believes that the Prosecution has not presented sufficient evidence, it can dismiss the case or certain charges and enter a judgement of acquittal before the beginning of the presentation of defence evidence.

5 May
ICTY conducts training session for Serbian legal professionals

On 5 May, the Tribunal held a training session with legal professionals from the Appellate Court and High Court in Belgrade, Serbia, as part of the War Crimes Justice Project (WCJP).

Commenting on the training session, Romana Schweiger, the WCJP Regional Coordinator, said: "With the ICTY phasing out, the access of national institutions to ICTY materials is increasingly important. This training enhances the practitioners' skills in obtaining ICTY evidence and legal material and hence improves the capacity of national judicial institutions to deal with war crime cases."

This is the third training session of legal professionals to be held in Belgrade since the start of the project. Similar training has also taken place in Banja Luka, Sarajevo, Zagreb, Podgorica and Osijek since the launch of the project in July 2010. Further training sessions are scheduled to be held in the region in the coming months.

5 May
Simatović 98 bis motion denied

In the case of Jovica Stanišić and Franko Simatović, the Trial Chamber denied Simatović's motion for acquittal having found that the evidence presented by the Prosecution sufficiently established that he intended the commission of the crimes charged in all five counts of the indictment. The Defence case has been scheduled to start on Wednesday, 15 June. The schedule has yet to be confirmed however, as a decision by the Appeals Chamber on Simatović's request for a later start date is still pending.

6 May**ICTY witness support providers meet with local counterparts**

On 6 May, ICTY victims and witnesses support providers held a meeting in Belgrade with about 20 of their counterparts from Serbia, Croatia, Bosnia and Herzegovina and Montenegro, to share experiences of working with witnesses and victims as part of war crimes cases.

This is the first regional meeting of witness support providers to take place as part of the War Crimes Justice Project. Participants discussed and shared experiences on different models of witness support systems in the region, the development of the witness support after trials, and experiences of witness testifying before national courts and ICTY.

Commenting on the meeting, the Serbian Minister of Justice Snežana Malović said: “The protection of witnesses is of crucial importance in war crimes cases, given the sensitive nature of the cases. If we know that testifying in war crimes cases can have serious life threatening consequences, then it is our joint obligation to provide complete protection to all witnesses.”

“The region has to do everything possible to provide full protection for war crimes witnesses on all levels, as the guarantee of their safety is key in determining the truth and is a necessary measure and precondition for reaching justice and reconciliation,” added Malović.

Robert Adams, the War Crimes Justice Project Coordinator, highlighted the important role of civil society: “Providing effective and comprehensive support to witnesses testifying in war crimes cases requires co-operation of multiple actors, including civil society. With this meeting we hope to contribute to fostering ties between various witness support services.”

COURTROOM SCHEDULE: 9 MAY – 20 MAY

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

MONDAY 9 MAY

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

TUESDAY 10 MAY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
16:00 – 18:00, **Karadžić**, Trial
Courtroom III 14:15 – 19:00, **Tolimir**, Trial

WEDNESDAY 11 MAY

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

THURSDAY 12 MAY

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

FRIDAY 13 MAY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial

MONDAY 16 MAY

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

TUESDAY 17 MAY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial
14:30 – 16:00, **Šainović et al.**, Status Conference

WEDNESDAY 18 MAY

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

THURSDAY 19 MAY

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

FRIDAY 20 MAY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, 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 125 of them: 12 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.

- 125** 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).
- 36** Proceedings are on-going with regard to 36 accused: 14 are at the appeals stage, 17 are currently on trial, and three are at the pre-retrial stage. Two fugitives are still at large.
- 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

- 27,000** Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.
- 9,000** Total number of transcript pages delivered to the regional judiciaries between October 2010 and April 2011.
- 7,000** Total number of pages publicly available on the ICTY Court Records Database to date: <http://icr.icty.org/>
- 75** 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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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.

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