



OFFICE OF THE PROSECUTOR

6 April 2016



Office of the Prosecutor to appeal the Vojislav Šešelj Trial Judgement

The Office of the Prosecutor (OTP) announced that after reviewing the written reasons given by the Trial Chamber Majority for acquitting Vojislav Šešelj of all charges, the OTP has decided to appeal the Judgement. Given the far reaching nature of the errors the OTP identified in the Majority Judgement, it underscored for the victims of the crimes that the forthcoming appeal is of utmost priority for the Office.

As will be explained in more detail in the OTP's forthcoming notice of appeal, the OTP considers there has been a fundamental failure by the Majority to perform its judicial function. The Majority has omitted to properly adjudicate core aspects of the Prosecution's case. At the same time, the OTP considers that the Majority unreasonably allowed for the possibility that

criminal conduct was simply a lawful contribution to the war effort, despite the overwhelming body of evidence pointing against it.

As with all appeals filed by the OTP, the Office will exert maximum effort to ensure that its appeal in the Vojislav Seselj case is litigated efficiently, effectively and fairly in accordance with the prescribed appeals process of the Mechanism for International Criminal Tribunals.

IN THE COURTROOM

31 March 2016

Trial Judgement in the case of Vojislav Šešelj delivered



On 31 March 2016, Trial Chamber III of the Tribunal, composed of Judge Jean-Claude Antonetti, Presiding Judge, Judge Flavia Lattanzi and Judge Mandiaye Niang, delivered its judgement against Vojislav Šešelj, President of the Serbian Radical Party and a former member of the Assembly of the Republic of Serbia.

Vojislav Šešelj faced nine counts of which three were for crimes against humanity (persecution, deportation and inhumane act of forcible transfer) and six were for war crimes (murder, torture and cruel treatment, wanton destruction, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property). He was accused of having directly committed, incited, aided and abetted those crimes committed by Serbian forces during the period from August 1991 until September 1993, and to have been part of their commission through his participation in a joint criminal enterprise.

Vojislav Šešelj was cleared of all charges of the Indictment, with a majority decision, Judge Lattanzi dissenting, on eight counts and a unanimous decision on one count. Parties have the right to appeal the judgement. Any appeal will be conducted before the Mechanism for International Criminal Tribunals.

In the course of this trial, which commenced on 7 November 2007, the Chamber admitted close to 1,400 exhibits. It heard 99 witnesses, of whom 90 testified for the Prosecution and nine were called directly by the Chamber. The [judgement](#) (in French) consists of just over 100 pages and includes two annexes, a [concurring opinion from Judge Antonetti](#), a [statement from Judge Niang](#) and a [partially dissenting opinion](#) from Judge Lattanzi.

IN THE COURTROOM

24 March 2016

Tribunal convicts Radovan Karadžić for crimes in BiH



Trial Chamber III of the ICTY, composed of Judge O-Gon Kwon, Presiding Judge, Judge Howard Morrison, Judge Melville Baird and Judge Flavia Lattanzi, Reserve Judge, convicted Radovan Karadžić, former President of Republika Srpska and Supreme Commander of its armed forces, of genocide, crimes against humanity and violations of the laws or customs of war committed by Serb forces during the armed conflict in Bosnia and Herzegovina (BiH), from 1992 until 1995. He was sentenced to 40 years' imprisonment.

Karadžić was convicted of genocide in the area of Srebrenica in 1995, of persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians and hostage-taking. He was acquitted of the charge of genocide in other municipalities in BiH in 1992. The Trial Chamber found that Karadžić committed these crimes through his participation in four joint criminal enterprises (JCE).

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IN THE COURTROOM

24 March 2016

Tribunal convicts Radovan Karadžić for crimes in BiH (continued)

Parties have the right to appeal the [judgement](#). Any appeal will be conducted before the Mechanism for International Criminal Tribunals. Karadžić is entitled to credit for time spent in detention thus far. He has been in custody since 21 July 2008.

The trial commenced on 26 October 2009 and lasted a total of 498 days during which 11,500 exhibits were admitted. The Trial Chamber took the testimony of a total of 586 witnesses of which 337 witnesses were called by the Prosecution, 248 by the Defence and 1 by the Trial Chamber.

Since its establishment, the Tribunal has indicted 161 persons for serious violations of humanitarian law committed on the territory of the former Yugoslavia between 1991 and 2001. Proceedings against 149 have been concluded. Proceedings are currently ongoing for 12 Accused.

OFFICE OF THE PROSECUTOR

24 March 2016



Office of the Prosecutor welcomes the conviction of Radovan Karadžić

The Office of the Prosecutor (OTP) welcomed the Trial Chamber's judgement convicting Radovan Karadžić of genocide, crimes against humanity and war crimes and sentencing him to forty years of imprisonment.

Following the announcement of the verdict, Prosecutor Serge Brammertz said: *"In 1993, the world decided that victims in the former Yugoslavia deserved justice. For two decades now, those victims have put their trust in us to deliver it. Thousands came here to tell their stories and courageously confront their tormentors. Today, with this conviction, that trust has been honored. Justice has been done. The truth established by this judgment will stand against continuing attempts at denying the suffering of thousands and the crimes committed in the former Yugoslavia. Moments like this should also remind us that in innumerable conflicts around the world today, millions of victims are now waiting for their own justice. This judgment shows that it is possible to deliver it."*

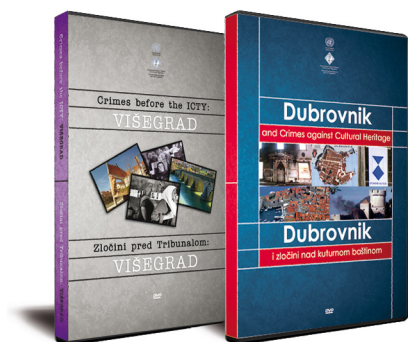
The OTP also extended its appreciation to the international community, particularly the United Nations Security Council, UN Secretaries-General and the European Union. Their sustained commitment to accountability enabled us to secure the arrests of all our fugitives and complete our work.

The OTP believes that while this judgment is an important step, the justice process is not yet finished. Prosecutor Brammertz noted: *"Too many victims in the former Yugoslavia are still waiting for justice. And too many families still do not know the fate of their loved ones. I call upon national governments and the international community to continue supporting justice for war crimes and the search for missing persons at the national level."*

OUTREACH

17 - 22 March 2016

Latest ICTY Outreach documentaries premiere in former Yugoslavia



The ICTY Outreach Programme premiered two new documentaries in the region of the former Yugoslavia. The documentary *Crimes before the ICTY: Višegrad* was screened in Sarajevo and Belgrade and the documentary *Dubrovnik and Crimes against Cultural Heritage* was screened in Zagreb and Dubrovnik.

Crimes before the ICTY: Višegrad gives an insight into the ICTY investigation, prosecution and judicial findings related to crimes committed in the municipality of Višegrad.

Dubrovnik and Crimes against Cultural Heritage provides an overview of the Tribunal's work in adjudicating the systematic destruction of institutions dedicated to religion, education or culture. Using the trials for crimes committed during the 1991 siege of Dubrovnik as a case-study, the film narrates how the ICTY contributed to advancing the understanding of crimes against the heritage and the criminal context in which they take place.

Over 250 visitors attended the screenings, including representatives of victims associations, NGOs, judiciary, diplomats, students and university professors.

The Sarajevo premiere was organised in cooperation with the Sarajevo University Rectorate. Summarising his impressions after the screening, Rector Prof. Dr. Muharem Avdispahić pointed out: *"Removing all illusions about the past is vital for our future. It is of crucial importance to support the processes which will lift the ban on the right to remember the recent past and help restore the right of young people to learn historical truths. We had an opportunity to see the ICTY Outreach Programme's contribution to that process at today's screening. This documentary inevitably raised anew questions about the relationship between the individual and the society, the individual sense of humanity and ethical responsibility of both individuals and communities."*

OFFICE OF THE PROSECUTOR

9 March 2016



“It’s never too late to bring justice to the victims”, Prosecutor Brammertz tells members of the Foreign Press Association

On 9 March, Prosecutor Brammertz attended a working lunch with members of the Foreign Press Association in The Hague. The Prosecutor thanked the journalists attending for their continuous interest in the work of the Office of the Prosecutor (OTP), informed them on the status of trials and appeals before the ICTY and answered their questions.

In response to a question asked by one of the journalists, Prosecutor Brammertz said: “*What I would say is that impunity, a lack of accountability, for sure, cannot have any impact on deterrence. It is true, it has taken a very long time, but I think it’s never too late to bring*

justice to the victims and to deal with those crimes, and, I am really expecting that with the judgement in the Karadžić case, and next year in the Mladić case, a very important chapter in looking for accountability will be closed.”

The Prosecutor also stressed that several thousands investigations are ongoing in the region and that the OTP’s support, including the access to the OTP databases, will be necessary for their successful prosecution.

OFFICE OF THE PROSECUTOR

29 February 2016



Serge Brammertz appointed Mechanism Prosecutor

On 29 February 2016, the United Nations Security Council, on the nomination by the UN Secretary-General, appointed Serge Brammertz as Prosecutor of the Mechanism for International Criminal Tribunals for a term effective 1 March 2016 until 30 June 2018.

Prosecutor Brammertz has been serving as the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia since 1 January 2008, a position that he will continue to hold while performing his functions at the Mechanism.

The Mechanism for International Criminal Tribunals (MICT) was established by UN Security Council Resolution 1966 (2010) to complete the remaining work of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia after the completion of their respective mandates. The MICT has two branches, one in Arusha, Tanzania, and one in The Hague, Netherlands.

OFFICE OF THE PRESIDENT

25 February 2016



President Carmel Agius addressing the audience

President Agius addresses diplomatic community in The Hague

On 25 February 2016, ICTY President Carmel Agius held a briefing for the diplomatic community in The Hague. President Agius was joined by Vice-President Judge Liu Daqun and Tribunal Registrar John Hocking, and the event was attended by over 90 diplomats. In his remarks, President Agius focused on the work of the Tribunal, as well as on his priorities and plans for its final biennium. The President pointed out his key priorities: first and foremost, meeting the 2017 deadline for the closure of the Tribunal; second, ensuring the efficiency of proceedings without sacrificing the fairness and quality of judicial proceedings; and third, consolidating the image of the Tribunal and the impact of its work.

In relation to the cases, the President noted that the pronouncement of judgements in the Radovan Karadžić and Vojislav Šešelj cases in March would be hugely significant for the Tribunal. He also indicated that the remaining cases were well on track to be

concluded in a timely manner. The President stressed that “*it is fundamental that in the remaining biennium, the Tribunal continues its commitment to fostering peace and security in the former Yugoslavia, to ending impunity for the commission of international crimes and to preventing their recurrence in the region.*”

Registrar John Hocking briefed the diplomats about the pivotal role of the ICTY Registry in ensuring that the Tribunal is fully equipped to complete its work by the end of 2017, and emphasised the crucial contribution of Member States to the success of the ICTY and its legacy. He stated that “*The Registry will continue, over the next 18 months, to fuel the successful completion of the ICTY’s mandate and leave behind a powerful legacy, that the Member States have been a vital part of and can be proud of.*”

STATUS OF CASES

CASES AT TRIAL

Hadžić	<p>Trial proceedings are in the defence phase, but have been adjourned since October 2014 due to the poor health of the Accused.</p> <p>On 16 October 2012, the trial began.</p> <p>On 28 November 2013, the Prosecution concluded its case.</p> <p>On 3 July 2014, the Defence case began.</p> <p>To date, 11 Defence witnesses have been heard.</p> <p>The Accused was granted provisional release in April 2015 and, again, on 21 May 2015.</p> <p>On 29 July and 21 August 2015, the Trial Chamber held hearings to discuss the Accused's health.</p> <p>On 26 October 2015, the Trial Chamber ordered a stay of the proceedings for an initial period of three months.</p> <p>Following the Prosecution's appeal against this decision, on 4 March 2016, the Appeals Chamber invited the Trial Chamber to reassess whether Hadžić is fit to stand trial.</p> <p>On 24 March 2016, the Trial Chamber declared that the Accused is currently unfit to stand trial and decided to stay the proceedings indefinitely.</p>
Karadžić	<p>The evidentiary phase of the trial is closed.</p> <p>On 26 October 2009, the trial began.</p> <p>On 25 May 2012, the Prosecution case officially closed.</p> <p>On 16 October 2012, the Defence case began. It closed on 1 May 2014.</p> <p>Closing arguments took place from 29 September to 7 October 2014.</p> <p>Trial Judgement was rendered on 24 March 2016.</p>
Mladić	<p>The evidentiary phase of the trial is ongoing, with the Defence presenting its case.</p> <p>On 16 May 2012, the trial began.</p> <p>On 26 February 2014, the Prosecution closed its case.</p> <p>On 19 May 2014, the Defence commenced its case. So far, 205 Defence witnesses have been heard.</p> <p>Trial Judgement is expected in November 2017.</p>
Šešelj	<p>The evidentiary phase of the trial is closed.</p> <p>On 7 November 2007, the trial began.</p> <p>On 13 January 2010, the Prosecution closed its case.</p> <p>There was no Defence case.</p> <p>The Accused was granted provisional release on 6 November 2014, due to poor health.</p> <p>Trial Judgement was rendered on 31 March 2016.</p>
CASES ON APPEAL	
Prlić <i>et al.</i>	<p>All Accused filed their appeals against the Trial Chamber Judgement rendered on 29 May 2013.</p> <p>A Status Conference took place on 10 February 2016.</p> <p>The Appeal Judgement is expected in November 2017.</p>
Stanišić & Župljanin	<p>The last Status Conference in this case took place on 10 February 2016.</p> <p>The Appeals Hearing took place on 16 December 2015.</p> <p>The Appeal Judgement is expected in June 2016.</p>

KEY FILINGS: JANUARY/FEBRUARY/MARCH 2016

JOJIĆ, OSTOJIĆ, RADETA (Contempt)

13 January 2016	The Trial Chamber requested the Republic of Serbia to submit monthly reports to outline its efforts towards executing outstanding arrest warrants in this case.
3 February 2016	The Trial Chamber ordered a hearing to take place on 10 February to discuss Serbia's efforts to execute the arrest warrants issued by the Chamber on 19 January 2015.
23 February 2016	Pursuant to the Trial Chamber's Oral Order of 10 February, Serbia submitted its report on efforts to execute the arrest warrants against the Accused.

HADŽIĆ

4 March 2016	The Appeals Chamber granted, in part, the Prosecution's Appeal and invited the Trial Chamber to reassess, based on the available and updated medical records, whether Hadžić is fit for trial, and if so, it is to assess all " <i>reasonably available modalities</i> " for continuing the trial under the " <i>proportionality principle</i> ." The Appeals Chamber asked the Trial Chamber to issue its decision in a timely manner, preferably no later than 25 March 2016.
24 March 2016	In the Trial Chamber's decision on remand on the continuation of proceedings from 24 March 2016, the Trial Chamber declared that the Accused is currently unfit to stand trial and decided to stay the proceedings indefinitely. A public redacted version of this decision was filed on 5 April 2016.

KARADŽIĆ

13 January 2016	The Trial Chamber denied the Accused's request for another Status Conference.
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TOLIMIR

1 March 2016	The Appeals Chamber judgement is now available in BCS.
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ŠEŠELJ

16 March 2016	The Trial Chamber decided that the trial judgement, scheduled for 31 March 2016, would be delivered without the Accused being present. In its decision , the Chamber considered the Serbian Government's response and the indication that the Accused's medical treatment could not be interrupted or continued in The Hague.
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FACTS & FIGURES

161 INDIVIDUALS INDICTED

The Tribunal has indicted a total of **161** individuals, and has already completed proceedings with regard to **151** of them. **19** have been acquitted, **81** sentenced, **13** have had their cases transferred to local courts, and **2** Accused to be re-tried before the MICT.

151	Total number of Accused whose proceedings have been completed.
36	Cases terminated (either because indictments were withdrawn or because the Accused died, before or after transfer to the Tribunal).
4	Proceedings are on-going with regard to 10 Accused.
28	Individuals have been the subject of contempt proceedings before the ICTY.

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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