



ICTY PRINCIPALS

8 June 2016

President Agius and Prosecutor Brammertz address UN Security Council



President Carmel Agius

ICTY President Carmel Agius spoke before the UN Security Council on the achievements of the Tribunal over the past six months and the challenges faced in the completion of its mandate.

The President reported that all cases scheduled for completion in the current reporting period have been delivered on time, and as a result, only two trials and two appeals remain pending before the Tribunal. The judgement in the Stanišić & Župljanin appeal has been scheduled for 30 June 2016, and the ongoing Mladić trial and Prlić et al. appeal is still on target. In the Hadžić trial, which has been stayed indefinitely due to the poor health of the accused, the Trial Chamber will soon rule on a motion filed by the Prosecutor to formally terminate the proceedings.

Referring to a pending contempt of court case against Jojić *et al.*, President Agius informed the Security Council that the arrest warrants issued against the three accused over 16 months ago have yet to be executed. He expressed disappointment at the recent rulings of the High Court in Belgrade, which held that the conditions for surrendering and arresting the accused have not been met and that Serbia has no duty to cooperate with the Tribunal on matters of contempt. President Agius described this as “*a grave step backwards in matters of cooperation with the Tribunal and an unacceptable disregard of the primacy of Tribunal law over the domestic law of Serbia as intended by the Security Council.*”

The President also addressed the challenges facing the Tribunal during its final biennium. In particular, he called upon the Security Council to assist the ICTY in implementing strategies to retain staff until the completion of its mandate. In conclusion, the President thanked the members of the Security Council and the UN Secretariat for their continued support.

Prosecutor Serge Brammertz

ICTY and MICT Prosecutor Serge Brammertz addressed the United Nations Security Council (UNSC), presenting the ICTY Office of the Prosecutor’s (OTP) completion strategy report and the MICT OTP’s progress report.

Speaking about the cooperation of states, Prosecutor Brammertz expressed the OTP’s regrets that “*Serbia has turned away from the path of full cooperation with the Tribunal.*” Echoing the Tribunal’s President, the Prosecutor informed the Security Council that Serbia

had failed for a year and a half to execute the Tribunal’s arrest warrants for three individuals indicted for contempt. He noted that in this final phase of the Tribunal’s work, state cooperation remained essential to enable the completion of the Tribunal’s mandate.

The Prosecutor further informed the Security Council that the positive trend in the countries of the former Yugoslavia, the regional cooperation in war crimes “*appears to be reversing*”, and added that “*too many politicians and public figures are denying well-established truths, enflaming ethnic tensions and repeating nationalistic slogans of the past.*”

Prosecutor Brammertz said that the OTP would continue to monitor and support national courts prosecuting war crimes committed in the former Yugoslavia, and expressed his conviction that “*to support national war crimes justice efforts, it is important that we disseminate our experiences and lessons learned.*”

The Prosecutor further noted that, consistent with the Security Council’s directions, the MICT OTP utilised “*double-hatting*” and roster arrangements in order to ensure smooth and cost-efficient transition of responsibilities from the ICTY.



Speaking about MICT activities, the Prosecutor commended the Rwandan National Public Prosecution Authority for its work on the Uwinkindi case referred to Rwanda. The trial judgement, delivered on 30 December 2015, convicted the accused and sentenced him to life imprisonment. Turning to the two cases referred to France, the Prosecutor said that the OTP would continue to liaise with French authorities and “*encourage the expeditious completion of these cases.*”

Prosecutor Brammertz emphasised that “*the MICT OTP is also firmly focused on locating and securing the arrests of the remaining eight fugitives indicted by the ICTR*”, and noted that state cooperation and the Security Council’s support remain essential to locating and arresting fugitives.

The Prosecutor also raised the issue of genocide denial with the Security Council. He emphasised, “*The truth of what happened during the Rwandan genocide has been repeatedly established in the ICTR’s judgements,*” but noted that “*today, genocide denial continues*” and added, “*To safeguard future generations, it is essential that there is education about the dangers of genocide ideology and discrimination*”. Prosecutor Brammertz urged “*all States to actively promote the truth and stand against revisionism in all its forms.*”

OFFICE OF THE REGISTRAR

9 June 2016



Registrar Hocking attends UNESCO conference

Speaking at a high-level UNESCO conference, ICTY Registrar John Hocking highlighted the role of the ICTY in cementing the legal foundation for accountability for the destruction of cultural heritage. The event “*Cultural diversity under attack: Protecting heritage for peace*” took place in Brussels on 9 and 10 June.

“Where there is cultural destruction there may be genocide. Where there is cultural cleansing there may be ethnic cleansing. From Dubrovnik to Timbuktu, we cannot afford to downplay crimes against cultural heritage”, said Registrar Hocking.

The meeting was opened by UNESCO Director-General Irina Bokova and brought together representatives of Member States, international organisations and cultural partner institutions of UNESCO and the European Union, as well as experts in the fields of culture, peacekeeping and peace-building and international cooperation.

REGISTRY

9 June 2016



ICTY launches report on the witness experience

The Tribunal’s Victims and Witness Section (VWS) on 9 June launched its report “*Echoes of Testimonies: A Pilot Study into the long-term impact of bearing witness before the ICTY*”. Opening remarks were delivered by ICTY President Judge Carmel Agius followed by a presentation outlining the results of the study conducted over the past four years.

Conducted in cooperation with the Castleberry Peace Institute of the University of North Texas (UNT), the VWS study examines the impact that testifying has had on 300 fact witnesses before the Tribunal. Participants hail from across Bosnia and Herzegovina, Croatia, Kosovo, and Serbia, and most of them experienced severe emotional or physical trauma during the war. The report highlights that the process of testifying is complex and different for each witness. Based on the study’s findings, VWS and UNT recommend that international judicial institutions further develop and standardise support mechanisms to safeguard witnesses’ well-being.

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OFFICE OF THE PROSECUTOR

31 May 2016

Book Launch: Prosecuting Conflict-Related Sexual Violence at the ICTY



On Tuesday, 31 May, The Hague Institute for Global Justice and the Office of the Prosecutor (OTP), with support from the Embassies of Australia, Sweden and the United Kingdom, hosted the inaugural book launch for “*Prosecuting Conflict-Related Sexual Violence at the ICTY*”. The volume is edited by Prosecutor Serge Brammertz and Deputy to the Prosecutor Michelle Jarvis and published by Oxford University Press.

The book sets out the experience of the OTP over the past two decades in seeking to establish accountability for conflict-related sexual violence crimes. It presents an insider perspective and expert analysis by current and former OTP staff members, crafted with a practical focus to enhance future accountability efforts for conflict-related sexual violence crimes.

In his opening remarks Prosecutor Serge Brammertz noted that, despite the trauma they had endured and the misconceptions often associated with sexual violence, “many victims of these crimes wanted to come to the Tribunal and speak about the details of the horrors they had seen and lived through. Why? Because they wanted justice”. Prosecutor Brammertz said that throughout its work, the OTP proved that “senior officials can be found accountable for sexual violence crimes” and that the OTP “established that sexual violence crimes can constitute crimes against humanity, war crimes, and underlying acts of genocide”.

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The book launch included a panel discussion involving: Daniela Kravetz, sexual and gender based violence expert practitioner, former ICTY staff member and book contributor; Ambassador Stephen Rapp, former US Ambassador-at-Large for War Crimes Issues and Distinguished Fellow at The Hague Institute for Global Justice and Patricia Viseur Sellers, Special Adviser on International Criminal Law Prosecution Strategies for the International Criminal Court, sexual and gender based violence expert and former ICTY staff member. The discussion was moderated by Michelle Jarvis, Deputy to the Prosecutor.

Amanda Bešić, formerly a student of the International University of Sarajevo whose winning artwork depicting the concept of justice in the context of conflict-related sexual violence features on the cover of the book, was presented with an award.

The OTP is planning a book launch event in Sarajevo later in the year. All proceeds from the book will go to support survivors of sexual violence from the conflicts in the former Yugoslavia.



OUTREACH

25 May 2016



Bosnian Law Students visit the ICTY

Law students from the University of Zenica, BiH, completed a two-day visit to the Tribunal organised by the Tribunal's Outreach Programme. Joined by two professors, the 60 students from Zenica listened to a series of lectures in an effort to better understand the work of the Tribunal.

The group was first welcomed by Judge Orie, Presiding Judge on the Mladić trial, and later met with ICTY and MICT Prosecutor Serge Brammertz. The visitors were particularly interested to learn about the Tribunal's approaches to bringing high-level political and military leaders to justice for crimes committed in the Balkans during the 1990s.



"For the students, it is a unique experience to speak to legal professions and hear their experiences first-hand," one of the attending professors commented about the visit. *"This will definitely be an asset for the student's future as lawyers and judges in their communities."*

ICTY PRINCIPALS

19 May 2016



Montenegrin delegation visits Tribunal

A delegation of judges, prosecutors and investigators from Montenegro concluded a two-day visit to the Tribunal, during which they met with judges and prosecutors of the ICTY and the MICT. Participants sought to share their expertise and consider how the experience of ICTY and MICT judges and prosecutors could assist domestic courts in investigating, prosecuting and adjudicating war crimes cases.

On the first day of the visit the Montenegrin delegation, led by Supreme Court Judge Stanka Vučinić and Deputy Supreme State Prosecutor Stojanka Radović, met with a panel of ICTY judges led by ICTY President Carmel Agius and including MICT President Theodor Meron. The visiting delegation then discussed with senior staff in the Office of the Prosecutor concrete methodologies for working with evidence in war crimes cases. During the second day of the visit, the group met with ICTY and MICT Prosecutor Serge Brammertz.

Speaking about the exchange, one of the visitors said: *"The visit has exceeded our expectations. We are very impressed by the work of all three organs and the many staff members supporting their work."*



OFFICE OF THE PROSECUTOR

14 May 2016



Prosecutor Brammertz attends conference in Sarajevo on "Obstacles in Prosecuting War Crimes"

"Much has already been accomplished, but much more remains to be done," Prosecutor Brammertz says during a conference in Sarajevo on "Obstacles in Prosecuting War Crimes" organised by the Association of "Mother's Action of the Srebrenica and Žepa Enclaves" and the Association of "Victims and Witnesses of Genocide".

Speaking about the OTP's cooperation with national judiciaries on war crimes cases over the years, Prosecutor Brammertz emphasised four lessons learned in the course of that process: the fact that *"national judiciaries must utilize the evidence and expertise developed by the ICTY"*, that *"there need to be strategic approaches"* to the prosecution of war crimes cases, that *"meaningful accountability requires effective regional cooperation"*, and that the *"challenges can be successfully addressed if there is national ownership of post-conflict justice"*.

Prosecutor Brammertz concluded his address by offering constructive advice for potential solutions to overcoming obstacles in prosecuting war crimes: efforts should be directed to improving the work of the Court and Prosecutor's office of BiH which should be able to *"speak with one voice"* because *"all victims of war crimes, whatever their nationality or ethnicity are disappointed with current results"*, and that, in order to *"further strengthen national justice for war crimes"* and *"obtain the necessary financial and expert assistance"*, *"national authorities in BiH and the region need to be part of discussions about the way forward"*.

OFFICE OF THE PROSECUTOR

11-15 May 2016



Prosecutor Serge Brammertz on missions to Sarajevo and Zagreb

As part of preparations for his regular biyearly report to the UN Security Council (UNSC), Mr Serge Brammertz, Prosecutor of the ICTY and MICT, visited Sarajevo from 11 to 15 May and Zagreb on 28 and 29 April.

In Sarajevo, the Prosecutor met with members of the BiH Presidency, BiH Minister of Justice Josip Grubeša, Head of War Crimes Department in the Prosecutor's Office of BiH Gordana Tadić (see picture) and President of the BiH Court Meddžida Kreso.

The Prosecutor also met with representatives of victims' organisations and members of the diplomatic community.

In Zagreb, the Prosecutor met with Minister of Foreign Affairs and European Integration Miro Kovač, Minister of Justice Ante Šprlje and State Attorney General Dinko Cvitan. They discussed the progress in the prosecution of cases transferred from Bosnia and Herzegovina to Croatia, particularly the Category 2 cases, the regional cooperation between the countries of the Western Balkans in the investigation and prosecution of war crimes and the strategy for prosecution of war crimes in Croatia. The Prosecutor also discussed cooperation between Croatia and the ICTY and the MICT.

THE CHAMBERS

11 May 2016

ICTY Judges on working visit to the ICC



The Tribunal's judges paid a working visit to the International Criminal Court (ICC) upon the invitation of the ICC's President, Judge Silvia Fernández de Gurmendi. The purpose of the visit was two-fold: to strengthen knowledge-sharing and to foster exchange and collaboration on processes in international criminal justice.

During the visit, the judges of the ICTY and the ICC participated in an in-depth roundtable discussion to exchange best practices, with a particular focus on handling of evidence and recommendations for acceleration of trial proceedings. They were also given a guided tour of the ICC's new premises, including the courtrooms.

ICTY President Agius, on behalf of his colleagues, welcomed the ICC President's initiative, which he described as a best practice. Judge Agius expressed hope that the visit would encourage more regular exchanges among judges to discuss matters of common interest. As the ICTY and the ICC continue to set the standard for international criminal justice, this knowledge-sharing visit marked an important step toward developing and streamlining best practices for judicial institutions worldwide.

KEY FILINGS: APRIL/MAY 2016

STANIŠIĆ & ŽUPLJANIN

20 April 2016 | Stojan Župljanin filed an amended [public redacted version of his appeal brief](#) against the trial judgement.

PRLIĆ *et al.*

20 April 2016 | The [Appeals Chamber dismissed Valentin Ćorić's motion](#) seeking the admission of additional evidence. Ćorić requested that the Chamber admit a statement from a former detainee of the "Helištok" prison. The statement was allegedly not available to him during the trial, and Ćorić argued it was relevant as it "contradicts the Trial Chamber's finding that he was criminally responsible for the mistreatment of detainees held there." The Chamber found however that, *inter alia*, an almost identical version of the statement was in fact available before the trial commenced.

JOJIĆ *et al.*

18 May 2016 | Serbian authorities filed their last [report](#) on the pending arrest warrants and the orders for the surrender of three Accused charged with contempt of the Tribunal. According to the report, a judge from the War Crimes Chamber of the High Court in Belgrade ruled that "the conditions have not been fulfilled for the surrender and arrest of the accused Petar Jojić, Vjerica Radeta and Jovo Ostojić pursuant to the Order of the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) of 19 January 2015."

20 May 2016 | The [Ministry of Justice in Serbia informed the Tribunal](#) that the ruling from 18 May was confirmed by the Chamber of the High Court in Belgrade and as a result is considered final.

HADŽIĆ

19 May 2016 | The Prosecution filed a [motion](#) to formally terminate the proceedings against Goran Hadžić. The OTP claimed that "as there is no real prospect of resuming the trial, or possibility of restoring the integrity of the proceedings, no legitimate purpose is served by the indefinite stay now in effect."



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, the Appeals Chamber on 4 March 2016 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. The Chamber decided to stay the proceedings indefinitely.</p> <p>On 19 May 2016, the Prosecution filed a motion to formally terminate the proceedings given that, <i>inter alia</i>, "there is no real prospect of resuming the trial." This motion is currently pending before the Trial Chamber.</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, 207 Defence witnesses have been heard.</p> <p>Trial Judgement is expected in November 2017.</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 25 May 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 25 May 2016.</p> <p>The Appeals Hearing took place on 16 December 2015.</p> <p>The Appeal Judgement will be rendered on 30 June 2016.</p>

FACTS & FIGURES

<p>161 INDIVIDUALS INDICTED</p> <p>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.</p>	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.