



President Agius and Prosecutor Brammertz address the UN Security Council

President Carmel Agius



On 8 December 2016, ICTY President Carmel Agius addressed the United Nations Security Council (UNSC), highlighting the Tribunal's diligent progress towards the completion of its mandate and discussing the outstanding challenges. The President noted that the judgement in the *Stanišić & Župljanin* appeal case was delivered during

the reporting period, and that both the *Mladić* trial and *Prlić et al.* appeal remain on track, with judgements anticipated to be delivered by the end of November 2017.

In relation to the pending contempt case of *Jojić et al.*, the President reminded the Council that the Republic of Serbia has yet to execute ICTY arrest warrants for three indictees that were issued 22 months ago. He requested the Security Council's support in this matter and urged the Council to ensure that the Republic of Serbia complies with the Trial Chamber's orders. President Agius further called upon all Member States to execute the international arrest warrants issued recently for the three indictees.

President Agius observed that his half-yearly report to the Security Council contained a section on the Tribunal's implementation of recommendations made by the UN Office of Internal Oversight Services (OIOS), following an evaluation of the ICTY's work and methods. He announced that one of the recommendations was partially implemented through the adoption of a 'Code of Professional Conduct for Judges of the Tribunal' in July of this year.

As in his previous addresses to the Security Council, the President once more alerted Member States to the critical problem facing the Tribunal in the form of staff attrition. He requested Member States' support for a proposal developed by the ICTY to address staff retention during the last stage of the Tribunal's work.

In conclusion, President Agius reflected on the Tribunal's role in the development of international justice system, stating that: *"Not only has it changed the way we think about and react to impunity, it has served as a powerful catalyst for the establishment of other international courts and tribunals."* (Full address [here](#))

Prosecutor Serge Brammertz



On 8 December, Prosecutor Brammertz updated the UNSC on ICTY and MICT trials and appeals, the search for the remaining fugitives indicted by the ICTR and the provision of assistance to national jurisdictions prosecuting war crimes committed in the former Yugoslavia and Rwanda.

Speaking about state cooperation, the Prosecutor stated that his Office *"echoes President Agius' grave concern that Serbia continues to ignore and breach its legal obligations to cooperate with the Tribunal."*

Prosecutor Brammertz recognised positive developments in the work of the Prosecutor's Office of Bosnia and Herzegovina, but noted that regional judicial cooperation experienced a significant setback. *"As long as the political environment and mindset do not support war crimes justice, it will be extremely difficult to meet the public's legitimate expectations for meaningful accountability"*, the Prosecutor said. He explained that there is little evidence Serbia is implementing its commitments to support war crimes prosecutions and urged Croatia to bring its policies in line with its commitments.

The Prosecutor expressed his Office's concerns that politicians and government officials from the region are undermining trust in judicial accountability for war crimes and informed the UNSC that the glorification of war criminals continues. (Full address [here](#))



OFFICE OF THE PROSECUTOR

7 December 2016



Prosecutor Brammertz keynote speaker at the debate on future of international justice

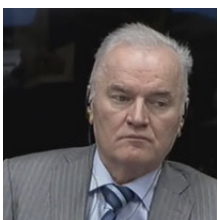
Prosecutor Serge Brammertz was the keynote speaker at the debate on the future of international justice, organised by H.E. Ambassador of Belgium Marc Pecsteen de Buytsverwe, Permanent Representative of Belgium to the United Nations, for the representatives of the member states of the International Organisation of La Francophonie (IOF). The debate took place on 7 December and was attended by Permanent Representatives and other diplomats from over forty diplomatic missions to the UN.

Reflecting on the lessons learned at the ICTY over the past two decades, Prosecutor Brammertz stressed that the fight against impunity requires international and national jurisdictions to work together and that strengthening capacities of national courts is critical to full accountability for war crimes.

FROM THE COURTROOMS

5-15 December 2016

Closing arguments held in the trial of Ratko Mladić



The closing arguments in the trial of Ratko Mladić, former Commander of the Bosnian Serb Army (VRS) Main Staff, were held from 5-15 December.

Ratko Mladić stands accused of genocide, crimes against humanity and violations of the laws or customs of war committed in Bosnia and Herzegovina (BiH) from May 1992 to late 1995. He was initially indicted on 25 July 1995. After having been at large for almost sixteen years, he was arrested in Serbia on 26 May 2011 and transferred to the Tribunal on 31 May 2011. The trial commenced on 16 May 2012. During the trial, 377 witnesses testified in court - the Prosecution called 169, while 208 witnesses testified for the Defence.

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 154 persons have been concluded.

OFFICE OF THE PROSECUTOR

December 2016



“Attacks against Cultural Heritage as a Weapon of War, Prosecutions at the ICTY” in Oxford Journals

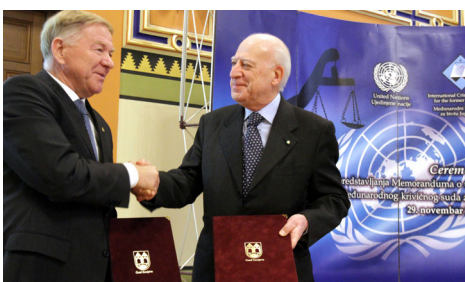
This December issue of the Journal of International Criminal Justice carries an article written by Prosecutor Serge Brammertz, together with Kevin Hughes, Legal Advisor, Alison Kipp, former Criminal Analyst and William Tomljanovich, Research Officer, entitled [“Attacks against Cultural Heritage as a Weapon of War, Prosecutions at the ICTY.”](#)

The article *“surveys the prosecution of attacks against cultural property by the ICTY over the course of its mandate. The aim is to contribute to a better understanding of these crimes and their successful prosecution among scholars, practitioners, policy-makers and the general public alike. Practices and lessons learned from the ICTY can now be a foundation for other national and international criminal courts to build upon.”*

TRIBUNAL

29 November 2016

Tribunal and City of Sarajevo to establish first Information Centre



In a ceremony held on 29 November, the ICTY and the City of Sarajevo exchanged memoranda of understanding, a crucial step towards the creation of the first ICTY Information Centre to be located in the City Hall of Sarajevo, Bosnia and Herzegovina (BiH). The Tribunal was tasked by the UN Security Council (Resolution 1966) in 2010 to facilitate the establishment of information and documentation centres in the countries of the former Yugoslavia. Judge Fausto Pocar, on behalf of the ICTY, and Sarajevo Mayor Dr. Ivo Komšić exchanged the memoranda, which outline the terms and conditions for the establishment of the Centre.

Following the memoranda exchange, the Tribunal and the City of Sarajevo will work together in the coming year to formally establish the centre in the BiH capital and to raise funds needed to make it fully operational. The Tribunal will also continue with efforts

to expand the project to other areas of BiH and other countries of the region. These Information Centres will provide digital access to electronic copies of all ICTY’s public records and archival material. In addition, they will conduct various outreach activities to promote the Tribunal’s legacy. This will help inform the local population and contribute to the handover of the Tribunal’s knowledge and expertise.

OFFICE OF THE PROSECUTOR

27-28 October; 14-15 November 2016



Prosecutor Brammertz on missions to Belgrade and Sarajevo

ICTY and MICT Prosecutor Serge Brammertz was in Belgrade on 27 and 28 October, and in Sarajevo on 14 and 15 November this year. The visits were undertaken in preparation for his regular biannual reports to the UN Security Council.

In Belgrade, the Prosecutor met with Prime Minister of Serbia Aleksandar Vučić, Minister of Interior Nebojša Stefanović, Minister of Justice Nela Kuburović, representatives of the Office of the War Crimes Prosecutor, as well as representatives of the international community and civil society. In Sarajevo, the Prosecutor met with members of the BiH Presidency, President

of the BiH Court Medžida Kreso, Acting Chief Prosecutor Gordana Tadić (see photo), as well as with representatives of victims' organisations and members of the diplomatic community.

OFFICE OF THE PRESIDENT

9 November 2016



President Agius addresses United Nations General Assembly

ICTY President Carmel Agius presented the Tribunal's twenty-third Annual Report to the UN General Assembly on 9 November 2016, in his first address to the General Assembly in his current role.

President Agius outlined the five main challenges facing the Tribunal in its final year: firstly, ensuring that the remaining cases stay on track for a timely and responsible closure of the Tribunal in 2017 and that there is a smooth transition of remaining functions to the Mechanism for International Criminal Tribunals (MICT); secondly, staff retention and the

prevention of accelerated staff attrition; thirdly, defending the integrity of the Tribunal, including enforcing a zero-tolerance policy on allegations of witness interference; fourthly, consolidating the shared legacy of the Tribunal and the United Nations, including a series of legacy and closing events titled "ICTY Legacy Dialogues"; and finally, supporting and enabling national jurisdictions to adjudicate war crimes. He urged the UN and its Member States to assist with these key challenges.

The President concluded by saying, *"I have faith that, through the continued efforts and support of the international community, this bold experiment in international justice will successfully conclude on time and, in the years to come, will continue to serve as a reminder of what is possible in the fight against impunity."*

OFFICE OF THE PRESIDENT

8 November 2016

President Agius bids farewell to outgoing UN Secretary-General Ban Ki-moon



ICTY President Judge Carmel Agius met with United Nations Secretary-General Ban Ki-moon on 8 November 2016 for a final meeting before the Secretary-General's term expires at the end of the year.

The Secretary-General thanked President Agius for his service to the Tribunal and his strong commitment to international justice and accountability. He also asked President Agius to convey his thanks and best regards to the Tribunal's Judges and staff. President Agius in turn congratulated the Secretary-General for his leadership in, and dedication to, the fight against impunity.

President Agius updated the Secretary-General on the Tribunal's progress towards completing its work and then shared the Tribunal's plans for a series of legacy and closing events titled "ICTY Legacy Dialogues."

In closing, President Agius commended the Secretary-General for his support of the Tribunal and wished him success in his future endeavours. The Secretary-General again expressed his appreciation for the Tribunal's work, stating that its closure in 2017 will be a historic moment for the international community to celebrate the Tribunal's strong contribution to the international justice system.

OFFICE OF THE PRESIDENT

4 November 2016

President Agius meets with President of the United Nations General Assembly



ICTY President Judge Carmel Agius met with the President of the UN General Assembly, Ambassador Peter Thomson (Fiji), at the UN Headquarters in New York on 4 November 2016. The meeting highlighted the importance of the relationship between the Tribunal and the General Assembly, as well as its Member States.

President Agius briefed President Thomson on the Tribunal's remaining work and the challenges facing the Tribunal in its final year of operations, identifying staff attrition as a critical factor. President Agius also informed President Thomson about the Tribunal's "ICTY Legacy Dialogues" series of legacy and closing events.

The two Presidents further discussed the advancement of Agenda 2030 for Sustainable Development. President Agius indicated the ICTY's interest in contributing to the realisation of the Sustainable Development Goal 16 related to peace, justice and strong institutions.

OUTREACH

27 October 2016

ICTY launches publication celebrating 15 years of Outreach



The Tribunal launched "Fifteen Years of Outreach at the ICTY" at an event on 27 October 2016. The publication highlights the development of the Programme and features the strategies and projects developed by the Outreach Programme, the Office of the President and the Office of the Prosecutor.

Judge Carmel Agius, the ICTY President, explained in his welcoming remarks that the Outreach Programme has served as a direct communication link between the Tribunal and the people of the region. "*The Programme's work has enabled countless people in the region to witness justice being done in The Hague and support justice being done at home,*" said President Agius. He added that the Outreach Programme remains crucial for the Tribunal in its final phase "*to continue to disseminate its findings, to explain the significance of its achievements to the people of the former Yugoslavia, and to ensure that its legacy will endure.*"

On behalf of the Outreach Programme's main donor - the European Union - Mr David Hudson, Senior Expert, said in his introduction that the ICTY's Outreach programme operates at many levels - from TV screens to classrooms: "*The European Commission is proud to be able to continue to support this vital work of the court.*"

The event then featured a panel discussion on the lessons learnt during the 15 years of the Outreach Programme. During the discussion, Dr Marko Milanović (Associate Professor, University of Nottingham School of Law) pointed out that, in the countries of the former Yugoslavia, the denial of ICTY's factual determinations on specific crimes continues. Mr Mario Mažić (Director of Programmes, Youth Initiative for Human Rights, Croatia) added that the young people in the region have very strong attitudes towards the Tribunal based on very little knowledge and that challenging their prejudices was the main result of the Youth Outreach project. Ms Lada Šoljan (Legal Officer, ICTY Office of the Prosecutor) explained how the Office of the Prosecutor engaged with a variety of local actors, such as victims, the media and local authorities, on outreach and capacity building projects. Concluding, Ms Rada Pejić-Sremac (Head, ICTY Outreach Programme) said that the ICTY Outreach developed over the years from a tool for provision of information on ICTY into an instrument of dialogue with the local communities about the need to end impunity.

The launch is part of a series of events titled "ICTY Legacy Dialogues" being held throughout 2016 and 2017. The ICTY Legacy Dialogues are aimed at promoting discussion of and reflection on the legacy of the ICTY as it approaches its closure, in order to inspire and enable others to build on the Tribunal's achievements.

OFFICE OF THE PROSECUTOR

29-30 September 2016

Prosecutor Brammertz at 10th Annual International Humanitarian Law Dialogs in Nuremberg



Prosecutor Serge Brammertz attended the Tenth Annual International Humanitarian Law Dialogs, held on 29-30 September in Nuremberg. Organised this year in commemoration of the 70th anniversary of the Nuremberg Trials, the Dialogs opened on 28 September in Courtroom 600 where 22 defendants were tried at the International Military Tribunal in 1945.

The theme of this year's conference was: "The International Military Tribunal at Nuremberg: A Lasting Legacy for the Future." The participants included a number of present and former prosecutors of international courts and tribunals, the US Attorney General and experts in International Humanitarian Law.

The Dialogs concluded with the Issuance of the Nuremberg Declaration, composed and signed by all international prosecutors. The Dialogs, hosted by the Robert H. Jackson Center, are held annually with the aim of advancing the field of International Humanitarian Law.



STATUS OF CASES

CASES AT TRIAL

Mladić	The last Defence witness completed his testimony on 16 August 2016. In total, 208 witnesses testified live during the Defence case. The closing arguments took place from 5 until 15 December this year. On 16 May 2012, the trial began. On 26 February 2014, the Prosecution closed its case. The Defence case commenced on 19 May 2014. The Trial Judgement is expected in November 2017.
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CASES ON APPEAL

Prlić et al.	All parties filed their appeals against the Trial Chamber Judgement rendered on 29 May 2013. A Status Conference took place on 19 September 2016. The next Status Conference is scheduled for 17 January 2017. The Appeal Judgement is expected in November 2017.
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KEY FILINGS: OCTOBER/DECEMBER 2016

MLADIĆ

21 October 2016	The Trial Chamber denied the Mladić Defence motion for a stay of proceedings. On 10 October, the Defence had requested a suspension of all deadlines and scheduled hearings until certain pending appeals and motions were decided upon. The Chamber found that “ <i>regardless of the outcomes of the pending motions, the Defence will have had adequate time to prepare its final trial brief and closing arguments, and that a stay of proceedings under such circumstances would constitute an unjustified delay in the trial.</i> ” The Chamber dismissed an alternative request for the declaration of a mistrial and concluded that the Defence had not made any specific submissions to justify such a declaration.
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26 October 2016	ICTY Acting President, Judge Liu Daqun, dismissed all Defence motions for the disqualification of Judges Meron , Pocar and Agius from the Appeals Chamber seised of two appeals related to the <i>Mladić</i> case. In all three cases, Judge Liu concluded that the motions did not rebut the strong presumption of impartiality of the Judges and were without merit.
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PRLIĆ et al.

26 October 2016	The Appeals Chamber in <i>Prlić et al.</i> case issued an order to Slobodan Praljak reiterating his obligation to reimburse the Tribunal the amount of 2,807,611.20 euros for the legal aid costs. He is ordered to pay this amount within 30 days or, alternatively, to repay the amount in monthly installments within a one-year period. Praljak is to inform the Chamber within 7 days which repayment method he has chosen. The Chamber advised Mr Praljak that it will take all appropriate action for the enforcement of this order if he fails to comply. He was ordered on 13 May 2014 to reimburse the Tribunal the said amount, but so far he has failed to do so.
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JOJIĆ et al.

29 November 2016	On 29 November 2016, the Trial Chamber lifted the confidentiality of the international arrest warrants against Petar Jojić, Jovo Ostojić and Vjerica Radeta indicted for contempt before the ICTY.
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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 154 of them. 19 have been acquitted, 83 sentenced, 13 have had their cases transferred to local courts, and 2 Accused to be re-tried before the MICT.	154	Total number of Accused whose proceedings have been completed.
	37	Cases terminated (either because indictments were withdrawn or because the Accused died, before or after transfer to the Tribunal).
	2	Proceedings are on-going with regard to 7 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.