



Monday 28 January 2008

Highlights of 14/01/2008 through 25/01/2008 - Nr. 29

[14 January](#)

**New
spokesperson
takes up her
duties**

Nerma Jelačić joins the Tribunal today as Spokesperson for the Chambers and Registry.

A journalist by profession, Nerma Jelačić was the director of Balkan Investigative Reporting Network in Bosnia and Herzegovina.

[14 January](#)

**Prlić *et al.* trial:
Trial Chamber
bans Defence
Lawyer Karnavas
from taking the
floor**

Pursuant to Rule 46 (Misconduct of Counsel), Trial Chamber III presided over by Judge Jean-Claude Antonetti imposes an eight-day speaking ban upon Michael Karnavas, lead counsel for Jadranko Prlić (and also President of the ICTY-Association of Defence Counsels).

This sanction follows the recent use by Karnavas of "an extremely offensive and intimidating tone vis-à-vis [one] witness," as well as his comparing one of the Judges of the Bench "to a fifth Prosecutor." The Trial Chamber considered Karnavas' behaviour "offensive and obstruct[ing] the running of the proceedings.

[16 January](#)

**Minister Rupel at
the ICTY**

As Slovenia is currently holding the EU presidency, its Foreign Minister, Dimitrij Rupel, visits the Tribunal. He discusses with President Pocar and with Prosecutor Serge Brammertz issues pertaining to the cooperation between Serbia and the Tribunal.

[16 January](#)

**First public
pronouncement
by Serge
Brammertz**

The Prosecutor says that his first priorities "will be to ensure the successful conduct of all current and pending criminal proceedings," and to obtain "the arrest and transfer to the Tribunal of the four remaining fugitives, particularly Ratko Mladić and Radovan Karadžić."

*The full text of the Prosecutor's speech can be found at OK/1212e
<http://www.un.org/icty/latest-e/index.htm>*

[17 January](#)

**Gotovina: no
provisional
release, confirms
the Appeals
Chamber which
also denies
Croatia's request
for a review of the
Trial Chamber's
Decision**

The Appeals Chamber files two important Decisions: the first one dismisses the appeal filed by the accused against the Trial Chamber's Decision of 5 December 2007 to reject his motion for provisional release; the second one denies Croatia's request for a review of the same Trial Chamber's Decision.

In this latter Decision, the Appeals Chamber notes "that Croatia is not affected by the Decision, since the principle of sovereign equality enshrined in Article 2(1) of the United Nations Charter is not actually at stake. [...] The Trial Chamber's decision to reject Gotovina's request for provisional release was based on Gotovina's individual circumstances, of which Croatia's guarantees were only a part. Thus, a Trial Chamber's provisional release decision is emphatically not an assessment of the reliability of any particular government or the guarantees that it offers. Furthermore, the Trial Chamber's assessment of the guarantees cannot be said to have affected Croatia's legal rights since Croatia has no legally cognizable interest either in securing Gotovina's provisional release or in ensuring that a Trial Chamber will assess its guarantee in one particular manner."

[21 January](#)

**Haradinaj *et al.*
trial completed**

The closing arguments in the Haradinaj *et al.* trial are heard from Monday 21 throughout Wednesday 23. The Trial Chamber is now considering their Judgement, which will be announced in due course.

The trial in the case against Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj began on 5 March 2007.

[22 January](#)

FYROM Prime Minister visits the Tribunal

The Prime Minister of the Former Yugoslav Republic of Macedonia (FYROM) Nikola Gruevski, and a number of aides, meet with the President, Judge Fausto Pocar, and the Prosecutor, Serge Brammertz.

[24 January](#)

Successful ICTY Diplomatic Seminar

The representatives of approximately 80 embassies are being briefed by President Pocar, Prosecutor Brammertz and Registrar Holthuis on the activities, progress and challenges of the Tribunal.

Addressing the Diplomatic Seminar first, President Pocar stresses the “unparalleled efficiency of the Tribunal” and says that “all trials, except those of ... Tolimir and Djordjević” will be completed “by the end of 2009” [...], and “all appeals can still be concluded within 2011.” He adds that “in order to be able to maintain [the] current level of productivity,” he has asked “the Security Council to allow a temporary increase in the number of *ad litem* Judges,” beyond the statutory limit of twelve. Also wishing that the question of conditions of service and retirement of permanent Judges be “favourably resolved,” President Pocar further calls on Member States' support “to offer sufficient incentives to guarantee as much as possible that our best staff will not leave until the work of the International Tribunal is completed.” Finally, the President insists on the necessity to strengthen the partnership with domestic courts in the former Yugoslavia and “to ensure that sufficient residual mechanisms remain in place for the continued protection of victims and witnesses and the trial of ... high level fugitives” after the closing of the Tribunal.

For his first appearance in front of the ICTY Diplomatic Seminar, Prosecutor Serge Brammertz announces that he intends “to travel to Belgrade, as well as Zagreb and Sarajevo, in the course of next month in order to discuss” cooperation and other issues with national authorities. Serge Brammertz underlines “the importance of continuity”: having the four remaining fugitives arrested and transferred “remains an absolute priority;” also, transferring investigation files and sharing information and expertise [with national judiciaries] will “continue.” The Prosecutor concludes by saying that “the Tribunal's successful implementation of its Completion Strategy fully depends on” its capacity and resources “to retain qualified and competent staff.”

Beyond the budget 2008-2009 (“which reflect[s] the continued financial support” of UN Member States) and the creativity with which the Tribunal sets in motion its archives policy, Registrar Hans Holthuis stresses in his address to the Diplomatic Seminar two “critical” issues. The Tribunal “requires a number of additional agreements” not only on the enforcement of sentences but also and mainly for the “relocation of witnesses;” he says that the Tribunal “is facing increasing difficulties” in relocating witnesses whereas it is estimated that “between 30 and 35 family ‘units’ will require relocation outside of the region of the former Yugoslavia.” The Tribunal needs “ten additional agreements.” The retention of staff is another critical issue: “having to replace many of [the] workforce during this critical spurt of the mandate is a serious threat to the know-how-base, and the financial and time resources which cannot be underestimated,” states the Registrar.

A copy of the full text of the addresses by the President, the Prosecutor and the Registrar can be obtained from Gea van der Werf, at 512-8599, or vanderwerf@un.org

[24 January](#)

Prlić et al.: Prosecution finishes its case

The Prosecution closes its case in the trial of Prlić *et al.* The oral submissions on motions for acquittal according to Rule 98bis are scheduled to take place from Monday 28 January through Wednesday 6 February.

Rule 98bis provides that, after the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charge(s), it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of defence evidence.

[25 January](#)

Vidoje Blagojević is the 46th convicted person who is transferred to serve his sentence

A former Bosnian Serb Army commander in eastern Bosnia and Herzegovina, Vidoje Blagojević is transferred to Norway to serve his sentence of 15 years' imprisonment for his role in the 1995 Srebrenica genocide.

Blagojević was the commander of the Bratunac Brigade of the Bosnian Serb Army in the Bratunac and Zvornik municipalities in eastern Bosnia and Herzegovina. On 17 January 2005, the Trial Chamber sentenced Blagojević to 18 years' imprisonment for aiding and abetting the persecution, forcible transfer and murder of the Bosnian Muslim population of the Srebrenica enclave in July 1995. He was also found guilty of aiding and abetting the murders of Bosnian Muslim men and boys from the Srebrenica enclave who were taken to nearby town of Bratunac after the enclave fell. On 9 May 2007, the Appeals Chamber found that the Trial Chamber had erred in finding Blagojević guilty of complicity to commit genocide and reduced his sentence to 15 years' imprisonment.

To date ICTY has completed five trials involving six accused (all convicted and sentenced) related to the July 1995 Srebrenica genocide. One trial involving seven defendants is ongoing, while two more accused are awaiting trial and one other person indicted by the Tribunal for his alleged role in the Srebrenica crimes was transferred to the State Court of Bosnia and Herzegovina to stand trial. A further two, Radovan Karadžić and Ratko Mladić, are still at large.

The following press release was issued: JP/MOW/1213e at: <http://www.un.org/icty/latest-e/index.htm>

ICTY PROCEEDINGS COMPLETED WITH REGARD TO 111 ACCUSED

Since the very first hearing (referral 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 111 of them: nine have been acquitted, 53 sentenced (seven are awaiting transfer, 27 have been transferred, 17 have served their term, and two died while serving their sentence), 13 have had their cases transferred to local courts. Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).

Proceedings are on-going with regard to 50 accused: nine are at the appeals stage, 26 are currently on trial, 11 are at the pre-trial stage, and four are still at large.

The figure of the accused at the appeals stage includes Amir Kubura and Naser Orić. These two accused have been sentenced and granted early release (Kubura) and release (Orić), but the OTP has appealed against the Trial Chamber's Judgements.

A further 24 individuals have been or are the subject of contempt proceedings.

The ICTY Digest is a publication of the Registry, prepared and produced by the LPTV Section.
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