



United Nations



International Criminal Tribunal for the former Yugoslavia

The ICTY Digest

Monday 11 February 2008

Highlights of 28/01/2008 through 10/02/2008 - Nr. 30

TWO MORE TRIALS INVOLVING FIVE ACCUSED WILL OPEN IN MARCH

On the same day (Wednesday 6 January, see below), two Trial Chambers decided to move two cases, involving two and three accused respectively, from the pre-trial to the trial stage. The trial in the case *The Prosecutor v. Jovica Stanišić and Franko Simatović* will "begin shortly after" the pre-trial conference to be held on Wednesday 27 February. The trial in the case *The Prosecutor v. Ante Gotovina, Ivan Čermak and Mladen Markač* "will commence on Tuesday 11 March."

The beginning of these two trials will bring to 28 the number of accused on trial simultaneously, the highest ever figure in the Tribunal's history. It will reduce to six only the number of accused awaiting trial...not including, of course, the four fugitives: Goran Hadžić, Radovan Karadžić, Ratko Mladić, and Stojan Župljanin.

28 January

Prlić *et al.* trial: Defence case to start on 5 May

While hearing the Parties' arguments with regards to Rule 98bis, the Trial Chamber issued an Order 'pushing' to 5 May the start of the Defence case, initially "set" for 17 March. The Order specifies that the pre-defence conference will take place on 21 April.

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 the charge(s).

29 January

Strugar case: appeals hearing on 23 April

A former Commander of the Second Operational Group which was formed by the then Yugoslav People's Army (JNA) to conduct the military campaign against the Dubrovnik region (Croatia), Pavle Strugar on 31 January 2005 was convicted of attacks on civilians, destruction or willful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science. He was sentenced to 8 years' imprisonment.

Both the Prosecution and the Defence appealed against the Trial Chamber Judgement. However, in September 2006, both withdrew their appeals, based on the exceptional humanitarian circumstances pertaining to Pavle Strugar and on the expectation that he could be transferred to Montenegro to serve his sentence. On 20 September 2006, the Appeals Chamber declared the appellate proceedings "concluded," and the sentence "final." But following confusion as to the serving of the sentence in Montenegro, the Appeals Chamber on 7 June 2007 granted a Defence request to re-open the appeals proceedings.

6 February

Stanišić and Simatović ordered to return from provisional release for trial

Both on provisional release since 9 December 2004, the two accused are ordered by Trial Chamber III to return to the Detention Unit on Monday 11 February. The Order schedules the pre-trial conference on Wednesday 27 February, and states that "the trial will commence shortly thereafter."

Indicted on 1 May 2003, Jovica Stanišić (transferred to the Tribunal on 11 June 2003) and Franko Simatović (transferred on 30 May 2003) were the Chief of the State Security Service (DB) and the Commander of the DB's Special Operations Unit, respectively. The DB belonged to Ministry of Internal Affairs (MUP) of the Federal Republic of Yugoslavia. Both are accused of crimes committed between 1991 and 1995 throughout Croatia and Bosnia and Herzegovina: murder, persecutions on political, racial and religious grounds, deportation and forcible transfers.

6 February

Ante Gotovina, Ivan Čermak and Mladen Markač

On 12 March, either the Defence will deliver their opening statement(s), if any at this stage or the Prosecution will start the presentation of evidence. The Scheduling Order also says that Ivan Čermak, who has been on provisional release since 3 December 2004, will return to the Detention Unit on 5 March.

**on trial as of 11
March**

Generals of the Croatian Army, the three accused were indicted separately: Ante Gotovina in 2001, Ivan Čermak and Mladen Markač in 2004. On 14 July 2006, a Trial Chamber ordered the joinder of the cases. The charges against the accused relate to alleged crimes committed against Serbs in 1995, during and in the aftermath of the Croatian military offensive known as Operation Storm, conducted in the Krajina region of Croatia.

7 February

Rule 98bis hearings will commence this Thursday, 14 February.

**Popović et al.
trial: close of the
Prosecution case**

This trial, which opened on 14 July 2007, is the largest ever held at the ICTY with seven co-accused being tried jointly for their alleged participation in the Srebrenica events: Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, and Vinko Pandurević.

10 February

**Delić trial:
Prosecution case
closes in Sarajevo**

Trial Chamber I concludes an evidentiary hearing held since Friday at the Court of Bosnia and Herzegovina. It heard the testimony of Aiman Awad, who was the last Prosecution witness to testify in the case.

This hearing was the second to be conducted by the Tribunal outside of its courtrooms in The Hague, the first being that of the same Trial Chamber also held in Sarajevo in September last year.

**Does reading The ICTY Digest meet your expectations?
Do you wish to see changes with regard to the newsletter's contents, or lay-out?
Would you prefer another frequency of publication?
Those questions and some more are at the core of a short questionnaire,
published on pages 3 and 4.
Your answers will be of great value to us!**

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, 3 are awaiting the Judgement of a Trial Chamber, 23 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.
Registrar: Hans Holthuis. Chief LPTV: Christian Chartier
Assistant: Gea van der Werf

Queries and comments:

Christian Chartier, Editor: +31.70.512.52.40, chartier.icty@un.org
Denise Gustin-Gardella, Assistant Editor: +31.70.512.53.49, gustin.icty@un.org

International Criminal Tribunal for the former Yugoslavia, Churchillplein 1, 2517 JW The Hague, the Netherlands
www.un.org/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.*

12. Are you satisfied with the quality of the writing? Yes
 No
13. Are you satisfied with the length of the articles? Yes
 No
14. If not, would you prefer the articles: To be shorter
 To be more detailed
15. Do you use the links provided with some of the articles? Yes
 No
 Occasionally

16. What suggestions do you have for the newsletter's contents?

17. Are you satisfied with the layout of the newsletter? Yes
 No

18. Do you forward the newsletter to other potentially interested readers? Yes
 No
 Occasionally

19. Would you recommend that we expand our distribution list? Yes
 No

20. If so, can you suggest any additional recipients of the newsletter:

Name: Email:
 Name: Email:.....
 Name: Email:.....
 Name:..... Email:.....

21. Would you wish to make any other comment?

22. Can you kindly identify yourself? Are you:
 - an Ambassador
 - a Diplomatic representative
 - working for a Permanent Mission of the UN in New York
 - working for an Embassy
 - working for a Permanent Observer of the UN in New York
 - a UN staff member
 - working for an international organization
 - an ICTY staff member
 - other:.....

**THANK YOU FOR YOUR TIME.
 YOUR ASSISTANCE IS GREATLY APPRECIATED.**