



## TRIBUNAL PRINCIPALS

28 January 2013

# President Meron addresses ECHR

At the invitation of the European Court of Human Rights (ECHR), Tribunal President Theodor Meron delivered an address in Strasbourg to mark the opening of the court's judicial year.

The event, which was opened by the President of the ECHR, Judge Dean Spielmann, and the French Minister of Justice, Christiane Taubira, took place in the presence of Judges of the ECHR, as well as Judges of the constitutional and supreme courts of member states of the Council of Europe, and other leading judicial and national figures.

The title of President Meron's address was 'Human Rights Standards in the Jurisprudence of International Criminal Courts and Tribunals'. The President spoke about the relationship between human rights and international humanitarian law, and in particular noted the influential role played by the ECHR's jurisprudence concerning

principles of fairness and due process, in addition to highlighting some of the ICTY's contributions to human rights law.

Acknowledging the judges of international and national courts in attendance, the President emphasised the vital, if varied, role that different courts play in protecting human rights. "Together ... we are contributing to the creation of a world in which human dignity and human rights are respected without normative gaps. And it is shoulder to shoulder, if not perfectly in step, that we ... are playing our part in bringing about a world in which accountability will be the rule, and not the exception", said the President.



## IN THE COURTROOMS

28 January 2013



### Case of Šainović *et al.*: Ojdanić withdraws appeal

Dragoljub Ojdanić has withdrawn his appeal against a Trial Chamber judgement finding him guilty of deportation and forcible transfer as crimes against humanity and sentencing him to 15 years in prison. In his notice to the Appeals Chamber, Ojdanić says he reached his decision in part due to his advanced age and medical condition, and also that he accepts the findings in the trial judgement as to his conduct, conviction and sentence. He goes on to express his regret to all of those who suffered as a result of his conduct. In the light of this, the Prosecution has also withdrawn its appeal against the judgement insofar as it pertains to Ojdanić. On 31 January, the Appeals Chamber issued a decision accepting the notices withdrawing appeals from both Ojdanić and the Prosecution, and ordered that Ojdanić remain in the custody of the Tribunal pending his transfer to the state in which his sentence will be served.

At trial, the Šainović *et al.* case - which was originally known as Milutinović *et al.* - involved six senior political, military and police officials from the Federal Republic of Yugoslavia and/or Serbia, and was the first concerning crimes alleged to have been perpetrated by Serbian forces against Kosovo Albanians during the 1999 conflict in Kosovo.

On 26 February 2009, Trial Chamber II found Nikola Šainović, Nebojša Pavković and Sreten Lukić guilty of deportation, forcible transfer, murder, and persecutions on political, racial or religious grounds, and sentenced all three men to 22 years of imprisonment. By the same judgement, Vladimir Lazarević was found guilty of deportation and forcible transfer and sentenced to 15 years in jail, and former Serbian president Milan Milutinović was found not guilty on all counts.

The appeals hearing for the remaining four defendants will take place between 11 and 15 March, according to a [scheduling order](#) recently issued by the Appeals Chamber.

## IN THE COURTROOMS

29 - 31 January 2013



### Stanišić & Simatović: closing arguments

Closing arguments in the Stanišić & Simatović case took place at the Tribunal between 29 and 31 January.

Indicted on 1 May 2003, Jovica Stanišić and Franko Simatović were the chief of Serbia's State Security Service (DB) and the commander of the DB's Special Operations Unit, respectively. They 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.

Their trial began on 28 April 2008.

## OUTREACH

5 February 2013



## Second phase of youth education project launched

The Tribunal's Outreach Programme has launched its second round of high school and university presentations in the former Yugoslavia. The project will allow the Tribunal to engage with young people across the region and stimulate their interest in the ICTY's work and wider issues of transitional justice and post-conflict reconstruction.

The first presentation was held for 40 students at the Second Gymnasium in Sarajevo, Bosnia and Herzegovina (BiH). High school presentations will continue to be held in BiH and across the region throughout the school year. A regional series of university presentations is planned to begin in March.

Senad Alić, a teacher at the Second Gymnasium, said: "There is clearly a need for more information and debate about international humanitarian law and the role of the ICTY in the process of dealing with the past. Future generations must recognise the facts about past events as this is the only guarantee that such negative experiences will never happen again. This can only be achieved if we openly speak about crimes committed on all sides and show consideration for the sufferings of others."

The first phase of the Tribunal's youth outreach project was held from December 2011 to October 2012, engaging with over 2,000 high school and 1,500 university students from BiH, Croatia, Serbia, Kosovo, Montenegro and the former Yugoslav Republic of Macedonia.

The Outreach Programme benefits from the continuous support of the European Union and its work with young people is generously supported by the Finnish government.

## STATUS OF CASES

CASES AT TRIAL	
Hadžić	<ul style="list-style-type: none"> <li>• Trial commenced on 16 October 2012</li> </ul>
Karadžić	<ul style="list-style-type: none"> <li>• The Defence case commenced on 16 October 2012</li> </ul>
Mladić	<ul style="list-style-type: none"> <li>• Trial commenced on 16 May 2012</li> </ul>
Prlić <i>et al.</i>	<ul style="list-style-type: none"> <li>• Closing arguments took place between 7 February and 2 March 2011</li> </ul>
Šešelj	<ul style="list-style-type: none"> <li>• The parties presented their closing arguments between 5 and 20 March 2012</li> </ul>
Stanišić & Simatović	<ul style="list-style-type: none"> <li>• Closing argument took place from 29 until 31 January 2013</li> </ul>
Stanišić & Župljanin	<ul style="list-style-type: none"> <li>• Closing arguments took place from 29 May until 1 June 2012</li> </ul>
Tolimir	<ul style="list-style-type: none"> <li>• Judgement rendered on 12 December 2012. Sentenced to life imprisonment. Appeals are still possible.</li> </ul>
CASES ON APPEAL	
Đorđević	<ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment)</li> <li>• Both the Prosecution and the Defence have filed their appeal briefs</li> </ul>
Perišić	<ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 6 September 2011 (sentence: 27 years' imprisonment)</li> <li>• The appeal hearing took place on 30 October 2012</li> </ul>
Popović <i>et al.</i>	<ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 10 June 2010 (sentences: Popović - life imprisonment; Beara - life imprisonment; Nikolić - 35 years' imprisonment; Borovčanin - 17 years' imprisonment; Miletić - 19 years' imprisonment; Gvero - 5 years' imprisonment; Pandurević - 13 years' imprisonment)</li> <li>• Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Borovčanin, whose sentence is therefore final</li> </ul>
Šainović <i>et al.</i>	<ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 26 February 2009 (sentences: Šainović - 22 years' imprisonment; Ojdanić - 15 years' imprisonment; Pavković - 22 years' imprisonment; Lazarević - 15 years' imprisonment; Lukić - 22 years' imprisonment; Milutinović - acquitted)</li> <li>• Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Milutinović, whose acquittal is therefore final, and Ojdanić, for whom briefs were filed and later withdrawn by both parties, and whose sentence is therefore final</li> <li>• The appeal hearing is scheduled for 11 - 19 March 2013</li> </ul>
CONTEMPT CASES	
Šešelj	<ul style="list-style-type: none"> <li>• Third contempt case - the trial commenced on 12 June 2012. The judgement was rendered on 28 June 2012 (sentence: two years' imprisonment)</li> </ul>