



IN THE COURTROOMS

Prosecution files ‘Motion for Reconsideration’ in Perišić case

On 3 February, the Office of the Prosecutor filed a motion before the ICTY Appeals Chamber requesting that it reconsider its acquittal of the former chief of staff of the Yugoslav Army Momčilo Perišić for aiding and abetting crimes committed in Sarajevo and Srebrenica between 1993 and 1995.

The Prosecution motion submits that “the erroneous reversal of Mr Perišić’s lawful convictions and 27 year sentence must be corrected to redress the grave injustice caused to the tens of thousands of men, women and children killed or injured in Sarajevo and Srebrenica and to their families.

In a statement, the Prosecutor said: “This motion was filed, after careful deliberations, by my Office as a direct consequence of the Šainović appeal judgement delivered on 23 January 2014. In that judgement, the ICTY Appeals Chamber unequivocally overturned the Perišić appeal judgement’s flawed holding that “specific direction” is an element of aiding and abetting liability. It was on the basis of this “specific direction” requirement that the aiding and abetting convictions entered by the Trial Chamber were reversed and Mr Perišić was erroneously acquitted on appeal.”

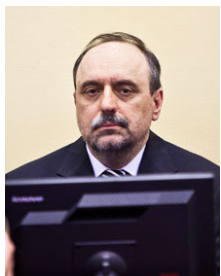
“We recognise that reconsideration is an extraordinary measure,” the statement continues, “but it is one we are compelled to pursue.”



Prosecutor Serge Brammertz

Momčilo Perišić

IN THE COURTROOMS



Tribunal dismisses Hadžić’s motion for acquittal

On 20 February, ICTY Trial Chamber II dismissed Goran Hadžić’s 98 bis motion for acquittal on charges from eight counts of the indictment against him.

The Chamber’s oral ruling was delivered pursuant to Rule 98 bis of the Tribunal’s Rules of Procedure and Evidence, which states that, after the close of the Prosecutor’s case, the Trial Chamber shall, by oral decision, and after hearing the oral submissions of the parties, enter a judgement of acquittal on any count if there is no evidence capable of supporting a conviction.

The Chamber dismissed the Defence’s submission on the scope of rule 98 bis. The Defence claimed that the Rule allows the Chamber to look within counts in the indictment to examine whether an accused may be acquitted on a portion of a count. After a careful examination of the approaches taken by other ICTY trial chambers in relation to motions of acquittal, the Chamber ruled that they reveal a settled practice to entertain such motions in respect of entire counts and not individual charges within a count. Since the Defence had not challenged any count in its entirety, there was no possibility of acquittal on an entire count. Therefore, the Chamber dismissed the Defence motion.

Despite this dismissal, the Chamber considered Defence claims in relation to specific incidents in Opatovac, Lovas, Velepromet and Ovčara. The Chamber found that the Prosecution presented sufficient evidence on the basis of which the Chamber could find that crimes were committed. Similarly, after review of the Prosecution evidence, the Chamber concluded that Hadžić could be held individually responsible for his participation in a joint criminal enterprise. Accordingly, the Chamber held that, even if it had adopted the charges approach to Rule 98 bis - as advocated by the Defence - it still would have denied the motion of the Defence in its entirety.

A [copy of the oral decision](#), as read out by Judge Delvoie, can be found on the ICTY website, and [a video of the hearing](#) has been placed on the Tribunal’s YouTube channel.

CONVICTED PERSONS



Milan Lukić transferred to Estonia

On 11 February, Milan Lukić was transferred to Estonia to serve his prison sentence. Lukić was sentenced to life imprisonment by Trial Chamber III on 20 July 2009; a sentence affirmed by the Appeals Chamber on 4 December 2012.

He was convicted of crimes against humanity and violations of the laws and customs of war committed in Višegrad, during the 1992-1995 conflict in Bosnia and Herzegovina. Reading the summary of the trial judgement, Presiding Judge Robinson said that Lukić's crimes were "characterised by a callous and vicious disregard for human life."

Judge Robinson continued: "In the all too long, sad and wretched history of man's inhumanity to man, the Pionirska Street and Bikavac fires must rank high. At the close of the twentieth century, a century marked by war and bloodshed on a colossal scale, these horrific events stand out for the viciousness of the incendiary attack, for the obvious premeditation and calculation that defined it, for the sheer callousness and brutality of herding, trapping and locking the victims in the two houses, thereby rendering them helpless in the ensuing inferno, and for the degree of pain and suffering inflicted on the victims as they were burnt alive."

IN THE COURTROOMS



Mladić case: 98 bis proceedings

A scheduling order issued on 26 February set 17 - 19 March 2014 as the dates on which any Rule 98 bis submissions will be heard in the case of Ratko Mladić.

The order also stated that, in the event there is a need for a Defence case, the pre-defence conference will be held on 12 May 2014, with the Defence case commencing the next day.

A [copy of the order](#) can be found on the ICTY website.

SENIOR OFFICIALS



Judge Prandler has passed away

It is with deep regret that the Tribunal learned of the death of former ICTY judge Arpad Prandler. Judge Prandler passed away in his home on 5 February.

Judge Prandler was sworn in as an ad litem judge on 7 April 2006, and completed his service at the Tribunal in June 2013. During his time at the ICTY he worked on the Prlic et al. case.

Arpad Prandler was born in Kaposvar, Hungary, on 23 February 1930. He graduated as Doctor Juris from Eotvos Lorand University in Budapest in 1952, and had a longstanding relation with Budapest University, where he was an assistant professor from 1952 to 1962, an associate professor from 1969 to 1983, and titular professor of international law from 1983 until his appointment to the Tribunal. From 1962 onwards, he also held a wide variety of positions relating to the Hungarian Ministry of Foreign Affairs and its work with the United Nations.

Judge Prandler was well known for his tireless work ethic and dedication during his years at the Tribunal and for the kindness with which he treated his fellow judges and those with whom he worked.

FACTS & FIGURES

161 INDIVIDUALS INDICTED

Since the very first hearing (a deferral 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 **141** of them.

18 have been acquitted, **74** sentenced (**18** have been transferred to serve their sentence, **5** are awaiting transfer, **48** have served their term, and 3 died while serving their sentence), and **13** have had their cases transferred to local courts.

141	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).
20	Proceedings are on-going with regard to 20 accused: 4 are currently on trial, and 16 are at the appeals stage.
35	A further 35 individuals have been or are the subject of contempt proceedings.