



## IN THE COURTROOM

30 January 2015

# Appeals Chamber upholds convictions of five senior Bosnian Serb officials



Vujadin Popović



Ljubiša Beara



Drago Nikolić



Radivoje Miletić



Vinko Pandurević

On 30 January, the Appeals Chamber rendered its Judgement in the Popović *et al.* case, concerning five senior Bosnian Serbian military officials for crimes perpetrated by Bosnian Serb forces in July 1995, following the takeover of the protected areas of Srebrenica and Žepa.

The final convictions for the five Appellants stand as follows:

**Vujadin Popović** and **Ljubiša Beara** were found guilty of genocide, conspiracy to commit genocide, violations of the laws or customs of war, and crimes against humanity, through their participation in a Joint Criminal Enterprise (JCE). Their sentences of life imprisonment were affirmed.

**Drago Nikolić's** convictions for aiding and abetting genocide, and crimes against humanity and violations of the laws or customs of war through his participation in a JCE were upheld. His sentence of 35 years of imprisonment was affirmed.

**Radivoje Miletić** was found guilty of crimes against humanity and violations of the laws or customs of war, through his participation in a JCE. His sentence of 19 years

of imprisonment was reduced to 18 years of imprisonment.

Finally, **Vinko Pandurević** was found guilty of aiding and abetting violations of the laws or customs of war and crimes against humanity. He was also found guilty of failing to prevent and punish the crimes of his subordinates. His sentence of 13 years of imprisonment was affirmed.

The Tribunal has indicted 20 individuals for crimes committed in Srebrenica in July 1995. Among those is Radislav Krstić who was the first individual to be convicted of aiding and abetting genocide in Srebrenica and sentenced to 35 years' imprisonment on 19 April 2004. The cases of Ratko Mladić, Radovan Karadžić, Zdravko Tolimir as well as Jovica Stanišić and Franko Simatović are ongoing.

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 146 individuals have been concluded. Proceedings against 15 Accused are still ongoing, four at trial stage and 11 before the Appeals Chamber.

## ICTY PRINCIPALS

29 & 30 January 2015

# Representatives of Victims' Associations held meetings with the President and the Prosecutor



On 29 and 30 January 2015, representatives of the Association of Victims and Witnesses of Genocide, and of the Movement of Mothers of Srebrenica and Žepa Enclaves, visited the Tribunal to attend the delivery of the appeal judgement in the Popović *et al.* case. During the visit, they also held separate meetings with President Theodor Meron and Prosecutor Serge Brammertz to discuss issues of common interest.

President Meron informed victims' representatives about the progress of the Tribunal's cases and provided them with updates on other recent developments. Victims' representatives informed the President about their plans to mark the 20<sup>th</sup> anniversary of the Srebrenica crimes later this year.

During their meeting, Prosecutor Brammertz and the victims' representatives discussed the Popović appeal judgement. It was stressed that the Appeals Chamber yet again confirmed that genocide was committed in Srebrenica in July 1995 and confirmed the immense suffering of all the victims. The victims' representatives also updated the Prosecutor on their efforts to build support for a law against genocide denial in Bosnia and Herzegovina.

## OUTREACH

16 January 2015

### Legacy Conference publication



The Tribunal's Outreach Programme launched its latest publication '20 Years of the ICTY'.

The first part of the book provides highlights of various anniversary events held in The Hague and in the former Yugoslavia, ranging from formal celebrations to exhibitions and conferences.

The second part contains edited transcripts of the open discussions from the Sarajevo conference held in November 2013. During this event, Tribunal officials and more than 200 local and international participants talked about various aspects of the Tribunal's work over the past two decades and the legacy it will leave behind.

The topics included the impact of the ICTY in the region, lessons learned in the support and protection of victims and witnesses and the possibilities of reparations for victims of the 1990s conflicts in the former Yugoslavia.

## YOUTH OUTREACH

7 January 2015

### Tribunal completes third phase of its Youth Outreach Project



The Tribunal's Outreach Programme completed the third phase of its high school and university presentations on the Tribunal's mandate and achievements, which benefited over 2,300 students across the region of the former Yugoslavia.

Starting in December 2013, the ICTY Outreach Programme visited 26 high schools and delivered 24 university lectures across Bosnia and Herzegovina, Montenegro, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Kosovo. Young people had the opportunity to speak to Tribunal staff and watch multimedia presentations featuring videos of witnesses' testimonies and exhibits from court proceedings.

In addition, a 'training the trainers' programme was launched for teachers in five Sarajevo high schools to enable them to continue discussing the work of the Tribunal in their schools.

More than 8,000 students from across the region have benefited from the Youth Outreach Project, launched in December 2011, and which is generously supported by the Finnish government.

## ICTY PRINCIPALS

10 December 2014

### UN Security Council briefings by the President and the Prosecutor



On 10 December, the Tribunal's President, Judge Theodor Meron, updated the United Nations Security Council on the progress being made by the ICTY towards the completion of its mandate.

Talking about the ICTY's remaining trials and appeals, he pointed out that in 2014 the Appeals Chamber rendered two judgements, and another was expected in January 2015 for the multi-accused Popović *et al.* case. The President underscored that while there would be four trials and five appeal cases remaining as of the beginning of 2015, by the end of the year the number was expected to decrease to one trial and one appeal judgement outstanding.

In addition, the President explained that even though the Tribunal's work is progressing well, certain trial and appeal judgements would be rendered later than previously

reported. He reassured the Council that these changes in judgement forecasts were not expected to impact the Tribunal's anticipated closure in 2017.

Prosecutor Serge Brammertz presented the 22nd report by the Office of the Prosecutor (OTP) to the Security Council. Prosecutor Brammertz pointed to the completion of the trial of Radovan Karadžić as a significant step and expressed the OTP's gratitude to all victims and witnesses who participated in the trial. Reacting to the latest delay in the Šešelj case, the Prosecutor said: "the OTP understands and shares the frustration of many that the trial judgement has not yet been issued."

In terms of national war crimes prosecutions in the former Yugoslavia, the Prosecutor recognized the recent cross-border arrest operation as a positive development for regional cooperation, but reported concerns that the work of the Prosecutor's Office of Bosnia and Herzegovina is not moving in a positive direction. Prosecutor Brammertz concluded by reiterating the OTP's commitment to completing its remaining work as efficiently and expeditiously as possible.



## KEY FILINGS: DECEMBER 2014 - JANUARY 2015

### HADŽIĆ

22 January 2015	The Trial Chamber granted, in part, the Prosecution's motion for a medical examination of <a href="#">Goran Hadžić</a> and ordered the Registry to appoint two medical experts who will provide their reports by 13 February 2015.
28 January 2015	Goran Hadžić <a href="#">requested provisional release</a> for 12 weeks in order to receive medical treatment. The Defence argued that the Accused's medical needs were incompatible with "humane detention and best medical practice" and the UN Detention Unit (UNDU) was not a suitable place for Hadžić during this "critical phase". The Defence further argued that all conditions for a provisional release were met, such as his willingness to return to the DU.

### KARADŽIĆ

2 December 2014	<a href="#">The Appeals Chamber dismissed Radovan Karadžić's appeal</a> and ordered him to contribute 146,501 Euros towards the costs of his defence before the ICTY.
7 January 2015	Radovan Karadžić sent a <a href="#">letter</a> to the BiH authorities, requesting assistance in receiving a number of testimonies given at the BiH Court throughout 2013- 2014. The Accused claimed that these testimonies could provide fresh evidence in relation to events in Srebrenica during July 1995.
8 January 2015	The Trial Chamber scheduled a <a href="#">Status Conference</a> on 28 January, in order for Karadžić to raise any health or detention issues he may have.

### ŠEŠELJ

1 December 2014	The Prosecution filed a <a href="#">motion</a> to revoke the provisional release of Vojislav Šešelj.
13 January 2015	The Chamber in the <a href="#">Vojislav Šešelj</a> case dismissed the Prosecution's motion to revoke Šešelj's provisional release, stating that the Chamber could not address Prosecution's criticisms of the Decision on the provisional release as they were not formulated as an appeal.
20 January 2015	<a href="#">The Prosecution filed its appeal</a> against the Chamber's non-revocation decision of 13 January, in relation to Šešelj's provisional release.
22 January 2015	ICTY <a href="#">President Meron appointed an Appeals Chamber</a> to consider the Prosecution's appeal in relation to the latest decision on Šešelj's provisional release.

### POPOVIĆ ET AL.

12 December 2014	The <a href="#">Appeals Chamber denied the motion</a> submitted by Vinko Pandurević, seeking provisional release.
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### ZORAN ŽIGIĆ

12 December 2014	MICT <a href="#">President Meron denied Zoran Žigić's request</a> to withhold consent for his extradition to Bosnia upon the completion of his ICTY sentence. Upon his return to BiH, Žigić will have to serve another sentence, imposed by a local court.
23 December 2014	A <a href="#">public redacted version</a> of the President's decision was filed, announcing the early release of Zoran Žigić, effective 16 December 2014.

### PRLIĆ ET AL.

23 December 2014	Valentin Ćorić re-filed his notice of appeal against the Trial Judgement.
21 January 2015	The Prosecution filed a public redacted version of its appeal brief. The Prosecution proposed higher sentences for all of the Appellants.

## FACTS & FIGURES

<b>161 INDIVIDUALS INDICTED</b> The Tribunal has indicted a total of <b>161</b> individuals, and has already completed proceedings with regard to <b>146</b> of them. <b>18</b> have been acquitted, <b>79</b> sentenced ( <b>18</b> have been transferred to serve their sentence, <b>7</b> are awaiting transfer, <b>51</b> have served their term, and <b>3</b> died while serving their sentence), and <b>13</b> have had their cases transferred to local courts.	<b>146</b>	Total number of accused whose proceedings have been completed.
	<b>36</b>	Cases terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).
	<b>15</b>	Proceedings are on-going with regard to 15 accused: 4 are currently on trial, and 11 are at the appeals stage.
	<b>25</b>	25 individuals were the subject of contempt proceedings before the ICTY.



## STATUS OF CASES

### CASES AT TRIAL

<b>Hadžić</b>	Trial proceedings are in the Defence phase, but have been adjourned since mid-October due to the ill-health of the accused. The trial started on 16 October 2012 and the Prosecution concluded its case on 17 October 2013. The Defence case began on 3 July 2014. To date, 11 Defence witnesses have been heard. The trial judgement is expected in December 2015.
<b>Karadžić</b>	The evidentiary phase of the trial is closed. The trial started on 26 October 2009. The Prosecution case officially closed on 25 May 2012. The Defence case started on 16 October 2012 and closed on 1 May 2014. Closing arguments took place from 29 September - 7 October 2014. A Status Conference in this case took place on 28 January 2015. The trial judgement is expected in October 2015.
<b>Mladić</b>	The evidentiary phase of the trial is ongoing, with the Defence presenting its case. The trial started on 16 May 2012. The Prosecution rested its case on 26 February 2014. The Defence case commenced on 19 May last year and so far 113 witnesses have been heard. The trial judgement is expected in March 2017.
<b>Šešelj</b>	The evidentiary phase of the trial is closed. The trial started on 7 November 2007. The Prosecution case was completed on 13 January 2010. There was no Defence case. Newly-appointed Judge Niang is currently familiarising himself with the case, and indicated that he would need at least until June 2015 to become fully familiar with the case records. On 6 November 2014, the Chamber ordered the provisional release of Šešelj due to ill health. He was transferred to Serbia on 12 November 2014. The trial judgement date is to be determined.

### CASES ON APPEAL

<b>Popović <i>et al.</i></b>	The appeal judgement was rendered on 30 January 2015. The case is now completed. The Appeals Chamber upheld convictions of five senior Bosnian Serb military officials.
<b>Prlić <i>et al.</i></b>	All accused filed their appeals against the trial judgement which was rendered on 29 May 2013. The last Status Conference took place on 21 January 2015. The appeal judgement is expected in mid-2017.
<b>Stanišić &amp; Simatović</b>	The Prosecution filed its appeal brief in September 2013, requesting the overturning of the judgement of acquittal for both accused. The appeal judgement is expected in June 2015.
<b>Stanišić &amp; Župljanin</b>	The last Status Conference in this case took place on 12 November last year. The appeal hearing is expected to take place this year. The appeal judgement is expected in November 2015. The next Status Conference will take place on 6 March 2015.
<b>Tolimir</b>	The last Status Conference was held on 22 October 2014 and the next is scheduled for 11 February 2015. The appeal hearing took place on 12 November 2014. The appeal judgement is expected in March 2015.

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.