



ICTY PRINCIPALS

11-12 June 2015

ICTY participates in Conference on Genocide in Sarajevo



ICTY/MICT President Theodor Meron



ICTY Prosecutor Serge Brammertz

The Association of Victims and Witnesses of Genocide and the Association of Mothers of Srebrenica and Žepa Enclaves hosted an international conference in Sarajevo on 11 - 12 June 2015, entitled “The Research Process, Documentation and Prosecution of Genocide in Bosnia and Herzegovina”. Keynote speakers included ICTY/MICT President Theodor Meron, ICTY Prosecutor Serge Brammertz and Jonathan Moore, Head of the OSCE Mission in Bosnia and Herzegovina.

ICTY Vice-President Judge Carmel Agius and other ICTY staff contributed to the discussion which considered the challenges, achievements and long-lasting results of Srebrenica-related investigations and prosecutions. Other topics discussed included the current position of victims and witnesses, the formation of collective memory in the region and issues related to genocide denial.

Speaking about the ICTY and its contributions to the law of Genocide, President Meron summarised various cases prosecuted before the ICTY and the important legal and factual findings reached in those cases. Referring to the ICTY’s appeal judgement in the Krstic case, the President noted that this ruling “did not simply represent an important ruling from a legal perspective” but “also marked the first time that the Appeals Chamber of the ICTY judicially recognised the crimes committed against the Bosnian Muslims in Srebrenica in 1995 as genocide, acknowledging the crime committed in Srebrenica for what it was.” The President emphasised that “today, while some may continue to debate what happened there, no one can deny that a unanimous bench of ICTY Judges found that the horrific acts committed at Srebrenica constituted genocide.”

During his visit to Sarajevo, the President also took the opportunity to meet with a delegation of German jurists, including judges and clerks of the Federal Constitutional Court of Germany, to talk about the ICTY’s decision-making process and the transition to the Mechanism. Finally, the President met with the Head of

the EU delegation to Bosnia and Herzegovina to advocate for the renewed EU support to the ICTY Outreach programme.

Judge Agius also discussed the role of the ICTY in combating genocide denial and revisionism and concluded his speech by addressing the audience, stating that “the ICTY has done a wonderful job and has worked uninterruptedly all these years to collect and compile an outstanding body of evidence which you have at your disposal in continuing to combat genocide denial and revisionism.”



ICTY Vice-President Judge Carmel Agius

In his keynote speech, Prosecutor Brammertz stressed the importance of the conference at a time when “there are more armed conflicts” around the world “than at any time since the end of the Second World War”. “The unfortunate reality then is that genocide continues, and there continues to be a need for justice”, the Prosecutor said.

Prosecutor Brammertz stated that over the course of its mandate the OTP had charged 20 persons with committing genocide in Srebrenica noting that, while the ICTY will soon close, justice has not yet been fully achieved. “It is now the responsibility of national judicial authorities to continue our work by prosecuting those who have not yet been held accountable for the crimes in Srebrenica and throughout the region”, Prosecutor Brammertz said.

The Prosecutor concluded by recognising that there have been both successes and failures from which lessons can be learned so that “in the future the investigation and prosecution of genocide will be stronger and even more successful.”



Aleksandar Kontić, Legal Officer
Bob Reid, Chief of Operations



Alan Tieger, Senior Trial Attorney
Andrew Cayley, former ICTY Senior Trial Attorney

Bob Reid, Chief of Operations, Alan Tieger, Senior Trial Attorney and Aleksandar Kontić, Legal Officer shared with the audience the OTP’s experiences with regards to specific cases of investigations and prosecutions of genocide before the ICTY.

OFFICE OF THE PROSECUTOR

24 June 2015

Prosecutor Serge Brammertz meets with BiH Chief Prosecutor Goran Salihović



On 24 June, Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina Goran Salihović carried out a working visit to the ICTY to discuss war crimes prosecutions conducted at the national level with Prosecutor Serge Brammertz. In addition, discussions were held with senior OTP staff on specific cases and Prosecutor Salihović and his colleagues received presentations by OTP staff.

Prosecutor Salihović took this opportunity to attend the Mladić trial during the re-opening of the prosecution case granted to the Prosecution for the presentation of the recently discovered evidence on the Tomašica mass grave.

ICTY PRINCIPALS

18 June 2015

Visit of the Chief Justice of the Republic of Korea



On 18 June, the Chief Justice of the Republic of Korea, H.E. Mr. Sung-tae Yang, visited the ICTY with a delegation including members of the Supreme Court of Korea and the Ambassador of the Korean Embassy to the Netherlands.

On this occasion, H.E. Mr. Yang held meetings with the President of the Tribunal and Mechanism of International Criminal Tribunals (MICT) President Theodor Meron, and met ICTY Judge O-Gon Kwon from the Republic of Korea and the ICTY and MICT Registrar John Hocking along with representatives from the Victims and Witnesses Support and Archives Section. The Registrar introduced the delegation to the work of the Registry, the transfer of the ICTY into the MICT, as well to issues related to the enforcement of sentences.

OFFICE OF THE PRESIDENT

3 June 2015

President Meron updates the UN Security Council



The President of the ICTY and the Mechanism for International Criminal Tribunals (MICT), Judge Theodor Meron, [reported](#) to the United Nations Security Council (UNSC) on the achievements of the [ICTY](#) over the past six months and the challenges it faces in the completion of its mandate. He also updated the UNSC on the work of the [MICT](#).

Providing an update on the ICTY's completion of its remaining trials and appeals, the President described how, in 2015, the Appeals Chamber had rendered judgements in the Popović *et al.* and Tolimir cases. He noted that by the end of this year, the forecasts provided by the presiding Judges, indicate that the Tribunal will have completed its work on all but two trials and two appeals.

The President explained that although the Tribunal's work is progressing, it has faced various challenges that have led to delays in trial and appeal cases, namely the health of certain defendants and the retention of Tribunal staff. He reassured the UNSC that the last cases are still expected to be completed in 2017.

Discussing the Tribunal's ground-breaking work, the President underscored the substantial impact that increased worldwide support for international criminal tribunals has had on the conduct of war and on reducing the suffering of those affected by conflict. He reflected that *"the Tribunal's contributions to ending impunity for international crimes continue to serve as a momentous symbol of the international community's commitment to bringing justice for crimes committed in the Yugoslav wars, and to the laudable aim of preventing grave crimes, like those that hang so heavily in any historical account of the past century, from being committed again."*

Subsequently, the President reported on the MICT's progress, stating that the first appeal judgement of the Mechanism, in the Ngirabatware case, was delivered without delay in December 2014. He noted that MICT Chambers has established rosters and procedures that will allow the Mechanism to efficiently adjudicate upcoming trial or appeal work.

The President further highlighted two key challenges faced by the MICT, namely the outstanding arrest warrants for the remaining three ICTR fugitives and the resettlement of persons acquitted by the ICTR or who already served their sentences. In closing, the President thanked the ICTR, the ICTY, the UN Office of Legal Affairs and other UN agencies and national governments for their continued support.

Prosecutor Brammertz addresses the UN Security Council



On 3 June 2015, Prosecutor Serge Brammertz updated the UNSC on the [OTP's progress towards the completion of its mandate](#). Speaking about the Mladić case, Prosecutor Brammertz said that the OTP would later in June “re-open the Prosecution case to present newly-discovered evidence on the Tomašica mass grave.”

With respect to national war crimes prosecutions in the former Yugoslavia, the Prosecutor recognised “the significant results during the reporting period in regional cooperation on high-profile cases”. However, he also noted that “only a limited number of the outstanding cases at the national level have been prosecuted to-date”, and that “more should be done on the most complex and highest-priority cases.”

Prosecutor Brammertz noted only a “limited progress” in relation to the cases transferred to the BiH Prosecutor’s Office by the OTP (Category II cases), but the Chief Prosecutor of BiH gave strong assurances “that prosecutorial decisions will be taken in all remaining cases by the end of this year.” On a more positive note, Prosecutor Brammertz pointed to successful results in the prosecution of crimes related to the Srebrenica genocide by BiH prosecutors.

The Prosecutor also emphasised the need to intensify the search for missing persons in the region. Prosecutor Brammertz concluded his remarks by addressing the upcoming 20th anniversary of the Srebrenica genocide in July this year by saying “It will be an opportunity to remember all victims of the conflicts in the former Yugoslavia, and to recognise that survivors are making extraordinary efforts to build a more peaceful future.” He added that “it is also an opportunity for the international community to reaffirm its commitment to justice for past crimes and to prevent their repetition.”

KEY FILINGS: JUNE 2015

ŠAINOVIĆ *et al.*

8 June 2015 Nikola Šainović [requested early release](#) from the prison in Sweden where he is serving 18-year sentence. Having been recently informed by the Swedish Authorities that he would be eligible for early release in August this year, Šainović filed his request before the MICT President, stating that he had almost served two thirds of his sentence.

HADŽIĆ

16 June 2015 Due to Hadžić’s health situation, his Defence filed an [urgent motion](#) requesting a termination of the proceedings or, alternatively, an indefinite stay of the proceedings.

19 June 2015 The Office of the Prosecutor (OTP) filed its [second motion](#) requesting the Trial Chamber to complete trial proceedings as expeditiously as possible. In particular, the Prosecution asked the Trial Chamber to admit into evidence the statements of all remaining 92^{ter} Defence witnesses, to direct the Defence to file statements of all remaining *viva voce* witnesses before the summer recess, to order an abbreviated schedule for the final briefs and closing arguments, and to render an oral trial judgement with the written version to follow later. If the Chamber finds it necessary that some of the remaining witnesses testify *viva voce*, the Prosecution suggested that their testimonies be completed by the summer recess. The Prosecution waived its right to cross-examine any of the remaining Defence witness, in order to protect the Accused’s fair trial rights and to speed up the completion of the trial. In addition, the OTP requested the expeditious resolution of this motion.

STANIŠIĆ & SIMATOVIĆ

19 June 2015 [Franko Simatović informed the Appeals Chamber](#) that he would not be present during the Appeal Hearing, scheduled on 6 July. Stanišić has not yet informed the Chamber as to whether he will attend.

GALIĆ

23 June 2015 On 23 June, President Meron, in his capacity as President of the MICT, issued a public version of his [decision](#), issued confidentially on 5 December 2014, denying early release to Stanislav Galić, former Commander of the Sarajevo Corps of the Bosnian Serb Army. Galić was sentenced to life imprisonment on 30 November 2006 by the ICTY Appeals Chamber for his role in the campaign of sniping and shelling against civilians in Sarajevo, from September 1992 to August 1994. Galić was transferred to Germany to serve the remainder of his sentence on 15 January 2009. Under German law, convicts sentenced to life imprisonment are eligible for early release after 15 years. On 15 October 2014, the Registrar conveyed to the President a notification from Germany of Galić’s eligibility for early release under German law. On 21 November 2014, the Registrar conveyed to the President Galić’s submission that he be granted early release after having served 15 years of his sentence. This is the first decision of the Mechanism to address the question of the eligibility for early release of an individual sentenced to life imprisonment. President Meron explains the reasons for his decision not to grant early release to Galić in a [separate filing](#), issued on 23 June. In this document, the President first sets out that those sentenced to life imprisonment by the ICTR, the ICTY or the Mechanism should not be ‘barred’ from being considered for early release. The President proceeds to hold that Galić shall be considered eligible for early release by the Mechanism upon having served more than two-thirds of the highest fixed-term sentence imposed by the ICTR, the ICTY, or the Mechanism, which amounts to more than 30 years of Galić’s sentence. Given that Galić has served 15 years of his sentence, as of 18 December 2014, the President denies him early release. The President notes, however, that whether or not an individual has served two-thirds of his or her sentence is not dispositive as to either the possibility of review for purposes of early release or the prospect of such early release.

DORĐEVIĆ

24 June 2015 The [Appeal Judgement](#) is now available in BCS.



STATUS OF CASES

CASES AT TRIAL

Hadžić	Trial proceedings are in the defence phase, but have been adjourned since October 2014 due to the poor health of the Accused. Trial started on 16 October 2012. Prosecution concluded its case on 28 November 2013. Defence case began on 3 July 2014. To date, 11 defence witnesses have been heard. Goran Hadžić was granted provisional release in April 2015 and, again, on 21 May 2015.
Karadžić	The evidentiary phase of the trial is closed. Trial started on 26 October 2009. Prosecution case officially closed on 25 May 2012. Defence case started on 16 October 2012 and closed on 1 May 2014. Closing arguments took place from 29 September to 7 October 2014. Trial Judgement is expected in December 2015.
Mladić	The evidentiary phase of the trial is ongoing, with the Defence presenting its case. Trial started on 16 May 2012. Prosecution rested its case on 26 February 2014. Defence case commenced on 19 May last year and so far 166 witnesses have been heard. Trial was adjourned on 22 May to allow the Defence to prepare for the reopening of the Prosecution's case, which commenced on 22 June Trial Judgement is expected in November 2017.
Šešelj	The evidentiary phase of the trial is closed. Trial started on 7 November 2007. 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 his poor health. Following the Prosecution's appeal, on 30 March 2015, the Appeals Chamber ordered the Trial Chamber to revoke Šešelj's provisional release and order his return to the UN Detention Unit. The Trial Judgement date is yet to be determined but it is estimated that it could be rendered in the last quarter of this year.

CASES ON APPEAL

Prlić <i>et al.</i>	All Accused filed their appeals against the Trial Chamber Judgement which was rendered on 29 May 2013. The last Status Conference took place on 12 May 2015. Appeals Judgement is expected in November 2017.
Stanišić & Simatović	The Prosecution filed a public redacted version of its appeal brief in September 2013, requesting the overturning of the judgement of acquittal for both Accused. The appeal hearing is scheduled to take place on 6 July this year. Appeals Judgement is expected in December 2015.
Stanišić & Župljanin	The last Status Conference in this case took place on 30 June 2015. Appeals Hearing is expected to take place later this year. Appeals Judgement is expected to be rendered in June next year.

FACTS & FIGURES

161 INDIVIDUALS INDICTED The Tribunal has indicted a total of 161 individuals, and has already completed proceedings with regard to 147 of them. 18 have been acquitted, 80 sentenced (18 have been transferred to serve their sentence, 7 are awaiting transfer, 52 have served their term, and 3 died while serving their sentence), and 13 have had their cases transferred to local courts.	147	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).
	14	Proceedings are on-going with regard to 14 accused: 4 are currently on trial, and 10 are at the appeals stage.
	25	25 individuals were the subject of contempt proceedings before the 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.