



Monday 29 September 2008

Highlights of 15/09/2008 through 26/09/2008 - Nr. 44

[15 September](#)**Rasim Delić
found guilty on
one count of war
crimes and
sentenced to
three years'
imprisonment**

A majority of Trial Chamber I (Judge Moloto, Presiding and dissenting, Judge Harhoff and Judge Lattanzi) finds Rasim Delić, the former Commander of the Main Staff of the Army of the Republic of Bosnia and Herzegovina (ABiH), guilty of failing to prevent and punish one instance of cruel treatment committed by the El Mujahed Detachment (EMD) included in the 3rd Corps of the ABiH.

Specifically, Delić was held responsible for the crimes committed by EMD soldiers in the village of Livade and in the Kamenica Camp, in July and August 1995, against 12 captured members of the Bosnian Serb Army (VRS). However, the Trial Chamber unanimously acquitted Rasim Delić of three other counts of murder and cruel treatment for crimes committed by the EMD members in June 1993 in the villages of Maline and Bikosi in the Travnik municipality, and in September 1995 in the village of Kesten and Kamenica Camp.

Subsequently, Rasim Delić was sentenced, Judge Moloto dissenting, to three years' imprisonment. In his dissenting opinion, Judge Moloto holds, *inter alia*, that "Rasim Delić had no effective control over the EMD at any time".

The following press release was issued: NJ/MOW/1283e at <http://www.un.org/icty/latest-e/index.htm>

[16 and 17 September](#)**Šešelj case:
Appeals Chamber
dismisses the
Prosecution's
motion against
resumption of
proceedings**

On 16 September, the Appeals Chamber dismisses the appeal lodged by the Prosecution against an Order issued on 15 August 2008 by Trial Chamber III rejecting a request by the OTP to adjourn the proceedings until the Trial Chamber has decided upon another Prosecution's motion to terminate the accused's self-representation.

On 17 September, Trial Chamber III, presided over by Judge Antonetti, issues an Order scheduling the resumption of the proceedings on Tuesday 23 September.

[18 and 19 September](#)**Poland and
Albania enter
Enforcement
Agreements**

On 18 September, the agreement between Poland and the United Nations is signed by Lukasz Redziniak, the Polish Undersecretary of State at the Ministry of Justice, and Hans Holthuis, the Registrar. The day after, the Ambassador of Albania to The Netherlands, Roland Bimo, and Registrar Hans Holthuis sign an Enforcement Agreement.

The agreements with Poland and Albania are the 16th and 17th, respectively, allowing the Tribunal to transfer sentenced persons to serve their sentence in either Poland or Albania.

The following press releases were issued: CVO/MOW/1284e and MOW/1285e at <http://www.un.org/icty/latest-e/index.htm>

[18 September](#)**Haraqija and
Morina on
provisional
release**

On 25 April, Astrit Haraqija, former Kosovo Minister for Culture, Youth and Sport, and Bajrush Morina, former political advisor to the Deputy Minister at the Ministry of Culture, Youth and Sport, were both indicted for contempt of court after allegedly trying to persuade a protected witness not to testify against Ramush Haradinaj. Granted provisional release in May, they returned to the Detention Unit on 3 September for their trial, which was completed on Thursday 11 September 2008.

<p>18 September End of provisional release for Momčilo Perišić</p>	<p>On provisional release since June 2005, Momčilo Perišić returns to the Detention Unit. His trial is scheduled to start on 1 October 2008.</p> <p><i>Chief Of the General Staff of the Yugoslav Army (VJ) from around 26 August 1993 until 24 November 1998, Momčilo Perišić was according to the indictment "the most senior officer in the VJ having overall authority and responsibility of its functioning," and "planned, instigated, ordered, committed, or otherwise aided and abetted in the planning, preparation, or execution" of crimes against humanity (murder; inhumane acts; persecutions on political, racial or religious grounds; extermination) and war crimes (murder, attacks on civilians) in Sarajevo, Zagreb and Srebrenica.</i></p>
<p>21 September 500 visitors welcomed at the ICTY on the occasion of International Day of Peace</p>	<p>With 500 visitors welcomed in just four hours yesterday, the ICTY was the most visited of the three international organizations (OPCW and ICJ) that held an Open Day on the occasion of the International Day of Peace.</p> <p><i>In addition to receiving information materials about the Tribunal, visitors could re-live in the lobby the initial appearances of Slobodan Milošević and Radovan Karadžić, watch in the press briefing room a short documentary about the Detention Unit and then proceed to the public gallery of Courtroom I where short presentations were given every hour and questions were answered.</i></p>
<p>23 September Mičo Stanišić and Stojan Župljanin cases joined</p>	<p>Trial Chamber II (Judges Kwon (Presiding), Prost and Støle), grants the Prosecution's motion to join the cases of Mičo Stanišić and Stojan Župljanin. The Prosecution is ordered to file an amended consolidated indictment within seven days of the Decision. The accused Stanišić and Župljanin will be given the opportunity to enter a plea on the new charges in a further initial appearance.</p> <p><i>The former Minister of Internal Affairs of Republika Srpska, Mičo Stanišić is charged with crimes against humanity (persecutions on political, racial or religious grounds, extermination, murder, torture, inhumane acts, and deportation) and war crimes (murder, torture and cruel treatment) allegedly committed in 1992 against the Bosnian Muslim and Bosnian Croat populations in various areas of Bosnia and Herzegovina taken over by the Bosnian Serbs.</i></p> <p><i>As a former member of the leadership of the Serb nationalists in the Autonomous Region of Krajina ("ARK") and a special advisor to Radovan Karadžić, Stojan Župljanin is alleged to have participated, individually or in concert, in the operations relating to the conduct of the hostilities and the destruction of the Bosnian Muslim and Bosnian Croat communities in Bosnia and Herzegovina.</i></p>
<p>24 September Prosecutors and Judges from Montenegro on a two-day professional visit</p>	<p>The Tribunal welcomes a delegation of prosecutors and judges from the Montenegro judiciary on a two-day introductory visit under the auspices of the EU project supporting prosecutorial training. The group is under the expert supervision of former ICTY Judge Frank Hoepfel.</p> <p><i>The legal practitioners from Montenegro learn about the keystones of the Tribunal's jurisprudence, practicalities of cooperation with the ICTY, and work with witnesses. The Montenegro prosecutors also forge a closer cooperation with the Office of the Prosecutor during a roundtable discussion with leading OTP prosecutors.</i></p>
<p>25 September EU diplomats visit the DU</p>	<p>At the initiative of the French Embassy (France is currently holding the EU Presidency), 21 Legal Counsels with EU Embassies in The Hague visit the ICTY Detention Unit.</p> <p><i>Upon their return to the Tribunal, the group holds a working luncheon with representatives of the Registry of the ICTY, the Special Court for Sierra Leone and the International Criminal Court.</i></p>

COURTROOM SCHEDULE: 29 SEPTEMBER – 10 OCTOBER 2008*

MONDAY 29 SEPTEMBER

Courtroom I 09:00 – 13:45, **Gotovina et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić**, Trial

TUESDAY 30 SEPTEMBER

Holiday – Eid al-Fitr

WEDNESDAY 1 OCTOBER

Courtroom I 09:00 – 13:45, **Momčilo Perišić**, Pre-trial Conference and Opening Statements
14:15 – 19:00, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al.**, Trial
14:15 – 19:10, **Lukić&Lukić**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Popović et al.**, Trial

THURSDAY 2 OCTOBER

Courtroom I 09:00 – 13:45, **Momčilo Perišić**, Trial
14:15 – 19:00, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al.**, Trial
14:15 – 19:10, **Lukić&Lukić**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Popović et al.**, Trial

FRIDAY 3 OCTOBER

Courtroom I 09:00 – 13:45, **Gotovina et al.**, Trial
14:15 – 19:10, **Lukić&Lukić**, Trial
Courtroom II 09:00 – 13:45, **Momčilo Perišić**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial

MONDAY 6 OCTOBER

Courtroom I 08:50 – 13:45, **Lukić&Lukić**, Trial
14:15 – 19:00, **Momčilo Perišić**, Trial
Courtroom II 14:15 – 19:00, **Gotovina et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić**, Trial

TUESDAY 7 OCTOBER

Courtroom I 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Momčilo Perišić**, Trial
Courtroom II 08:50 – 13:45, **Lukić&Lukić**, Trial
14:15 – 19:00, **Gotovina et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić**, Trial

WEDNESDAY 8 OCTOBER

Courtroom I 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Momčilo Perišić**, Trial
Courtroom II 08:50 – 13:45, **Lukić&Lukić**, Trial
14:15 – 19:00, **Gotovina et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić**, Trial

THURSDAY 9 OCTOBER

Courtroom I 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Momčilo Perišić**, Trial
Courtroom II 08:50 – 13:45, **Lukić&Lukić**, Trial
14:15 – 19:00, **Gotovina et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić**, Trial

FRIDAY 10 OCTOBER

Courtroom I 14:15 – 19:00, **Gotovina et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial

Public proceedings are broadcast with a 30-minute delay on the ICTY's website.

PROCEEDINGS COMPLETED WITH REGARD TO 115 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 115 of them: 10 have been acquitted, 56 sentenced (three are awaiting transfer, 27 have been transferred, 24 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 46 accused: ten are at the appeals stage, six are awaiting the Trial Chamber's judgement, one has been convicted and sentenced by a Trial Chamber, 21 are currently on trial, six are at the pre-trial stage. Two fugitives are still at large.

A further 29 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.
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*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.*
