



Monday 5 July 2010

Highlights of 14/06/2010 through 02/07/2010 - Nr. 80

[14 June](#)

Tribunal makes a substantial donation to the Law Faculty of the University of Priština

The Tribunal has made a substantial donation to the University of Priština Law Faculty and Human Rights Centre. Representatives of the Tribunal's Outreach Programme recently met in Priština with staff of the university law faculty who expressed their interest in receiving books from the Tribunal. The ICTY Library subsequently prepared an impressive donation of legal material which will greatly benefit law students in Kosovo, as well as legal professionals practicing there.

This donation is in line with the Tribunal's on-going efforts to strengthen the rule of law in the territories of the former Yugoslavia by reaching out to students in the region and educating them about international humanitarian law. The ICTY Library and Outreach will make further such donations to law faculties in the region in the future.

[14 June](#)

Security Council briefing - preparations: President Robinson and Registrar Hocking in New York, Prosecutor Brammertz in Luxemburg

Ahead of the presentation to the Security Council of the President and Prosecutor's bi-yearly reports (see below), the ICTY principals met with EU and UN officials to discuss on-going issues.

President Robinson and Registrar Hocking were in New York in order to press a number of ICTY issues. They discussed, among other things, staff and budget issues with UNHQ officials, and representatives of the EU, Germany, Austria, Spain, and the UK. Rule of Law and Outreach issues were discussed with high-level representatives of the UNDP. The President and Registrar were joined later in the week by Prosecutor Brammertz, and the three participated in a meeting of the Security Council Working Group on Residual Issues.

Prior to travelling to New York, Serge Brammertz attended the Foreign Affairs Council of the European Union, at the invitation of EU High Representative Catherine Ashton. During an informal meeting, the Prosecutor provided EU Foreign Ministers with an update on the work of the Office of the Prosecutor, with special emphasis on the co-operation of States of the former Yugoslavia.

[17 June](#)

Gotovina et al: closing arguments scheduled

Trial Chamber I (Judge Orie, presiding, Judge Kinis, and Judge Gwaunza) ordered that "the closing arguments of the parties shall take place on 25-27 August 2010."

The trial of Ante Gotovina, Ivan Cermak and Mladen Markac commenced on 11 March 2008 and the evidentiary phase was completed on 11 June 2010.

[18 June](#)

President asks Security Council to throw the ICTY a lifeline

Beyond updating the Security Council about the trial schedule, which now stretches until 2014, Judge Robinson highlighted the adverse impact that the alarming rate of staff attrition has on the expeditious completion of the trials. The President urged the Security Council to actively work on meaningful staff retention measures as a matter of urgency, stressing that failing to do so would lengthen the life of the Tribunal: "We need more support from our parent organ.... We are hanging by a thread, and we need you to throw us a lifeline," he said.

Reiterating his call for the urgent creation of a trust fund for victims of crimes falling within the Tribunal's jurisdiction, he stated, "In order to contribute to a lasting peace in the former Yugoslavia, justice must not only be retributive—it must also be restorative."

The full text of the President's address to the Security Council, as well as his Completion Strategy Report, can be found on the ICTY website.

[18 June](#)

Prosecutor stresses the need to bring Ratko

Emphasising that all accused in the Tribunal's custody are now in the active trial phase, Serge Brammertz noted the recent "milestone judgement in the Popović et al. case (...) the Chamber's findings are further confirmation that those found guilty in the Popović case worked under the orders of other indictees, such as Ratko Mladić," and that this "reminds us once again of the urgent need to bring Ratko Mladić to

<p>Mladić to justice</p>	<p>justice."</p> <p>In his address to the Security Council, the Prosecutor provided an update on the co-operation of States from the former Yugoslavia, the efforts that his Office has undertaken to support the work of prosecution services in the region, and the current downsizing process in the OTP.</p> <p><i>The full text of the Prosecutor's address to the Security Council, as well as his Completion Strategy Report, can be found on the ICTY website.</i></p>
<p><u>21 June</u></p> <p>Referral Bench dismisses Janković's post-conviction claims</p>	<p>Gojko Janković is one of the 13 accused whose cases were referred to a national jurisdiction in accordance with Rule 11bis; transferred to Bosnia and Herzegovina (BiH) on 8 December 2005, he was convicted for a series of crimes, including rape, committed in Foca; and, in 2007, was definitively sentenced to 34 years' imprisonment by the Appellate Panel of the War Crimes Chamber within the BiH State Court.</p> <p>Last April, Janković filed a Motion with the Tribunal's Referral Bench (Judge Orie, presiding, Judge Kwon, and Judge Parker), seeking either a trial at the ICTY or a retrial in Sarajevo on the basis of alleged flaws in the domestic proceedings. The Referral Bench on 21 June dismissed Janković's motion on two main grounds: 1) the Tribunal does not have appellate jurisdiction to review claims regarding the proceedings against a defendant who was convicted in a national jurisdiction subsequent to a referral to that jurisdiction; 2) the amendment of an ICTY indictment by a national jurisdiction following a referral does not constitute a violation of due process and the right to a fair trial if there is a proper legal and factual basis for the amendment.</p>
<p><u>25 June</u></p> <p>Zelenović: President Robinson upholds his decision</p>	<p>When he recently denied Dragan Zelenović early release, President Robinson gave Zelenović seven days to ask for a review of the decision. On 15 June, Zelenović filed a "response", and, on 25 June, Judge Robinson filed an additional decision saying that he saw no grounds for a review.</p> <p>The President accordingly upheld his initial decision.</p>
<p><u>29 June</u></p> <p>Milan Gvero granted early release</p>	<p>Milan Gvero, former Assistant Commander for Morale, Legal and Religious Affairs of the VRS Main Staff, has been granted early release. Gvero was one of the accused in the Popovic et al case, and was sentenced by the Trial Chamber to five years' imprisonment.</p> <p>In his decision on early release, President Robinson wrote: "In the particular circumstances in the case of Mr Gvero - his very serious health conditions for which immediate treatment is required (in combination with his relatively advanced age) and the fact that he has served over two-thirds of the sentence imposed upon him by the Trial Chamber - I am of the view that, based upon humanitarian grounds, it is in the interests of justice to grant him early release, despite the high gravity of his crimes."</p>
<p><u>29 June</u></p> <p>Delić case: the Trial Chamber judgement shall be considered final, says the Appeals Chamber</p>	<p>On 29 June, the Appeals Chamber (Judges Andréia Vaz, Presiding, Mehmet Güney, Fausto Pocar, Liu Daqun, and Theodor Meron) issued two important decisions bringing to an end the case of Rasim Delić.</p> <p>Delić passed away on 16 April 2010 while on provisional release pending a judgement on the appeals lodged by both parties against the Trial Chamber's judgement of 15 September 2008. The former Commander of the Main Staff of the Army of the Republic of Bosnia and Herzegovina (ABiH), Delić was found guilty by a majority of the Trial Chamber for failing to prevent and punish one instance of cruel treatment committed by the El Mujahed Detachment, part of the 3rd Corps of the ABiH. He was sentenced to three years' imprisonment.</p> <p>Disposing of a motion for the continuation of appellate proceedings filed "on behalf of Delić's son", the Appeals Chamber considered that the son of the convicted person "is not and cannot qualify as a party to any existing proceedings before the Tribunal;" therefore, " Delić's son has no standing to submit a motion before the Tribunal" (...) which "has no jurisdiction to consider its merits (...)".</p> <p>In a separate decision on the outcome of the proceedings, the Appeals Chamber "Hereby terminates the appellate proceedings with respect to Delić. The Trial</p>

Judgement shall be considered final." The Appeals Chamber considered that the death of an appellant results in the termination of proceedings "for lack of jurisdiction", and that, as no appeals judgement can be rendered, "nothing can undermine the finality of the Trial Judgement."

The Delić case represents the first time in the history of either the ICTY or the ICTR where an appellant has died before the rendering of the appeal judgement.

[29 June](#)

Security Council extends terms of ICTY judges

The Security Council unanimously adopted resolution 1931 (2010), which extends the terms of office of 23 ICTY judges. Five permanent judges in the Appeals Chamber had their terms extended until 31 December 2012; additionally eight permanent and 10 ad litem judges in the Trial Chamber were extended until 31 December 2011. The resolution also underlined the Council's intention "to extend, by 30 June 2011, the terms of office of the trial judges at the International Tribunal based on the Tribunal's projected trial schedule."

The resolution did not exclusively concern itself with the ICTY judges' terms of office. In addition, the Security Council noted "the importance of the International Tribunal being adequately staffed to complete its work expeditiously" and called "upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the International Tribunal in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work".

[2 July](#)

Appeals judgement scheduled in the Haradinaj et al case

The hearing will take place on Wednesday, 21 July, at 9.30 a.m.

On 3 April 2008, Trial Chamber I acquitted Ramush Haradinaj and Idriz Balaj on all charges of war crimes and crimes against humanity alleged to have been committed in Kosovo between March and September 1998. During that period Haradinaj was a commander of the KLA in the Dukagjin area (north-western Kosovo), and Balaj was the commander of the Black Eagles Unit within the KLA. Following the judgement both were released from custody. The third accused in the case, Lahi Brahimaj, was also acquitted of crimes against humanity, but was convicted by of war crimes (cruel treatment and torture) committed against two persons at the Jablanica/Jabllanicë headquarters of the Kosovo Liberation Army (KLA). He was sentenced to six years' imprisonment.

Ramush Haradinaj and Idriz Balaj, who were released following the Trial Chamber's judgement, must inform the Registry whether they will attend the Appeals judgement hearing. Lahi Brahimaj, who has been on provisional release since May 2009, shall return to the Detention Unit for the hearing, and will stay at the Detention Unit pending any further order by the Appeals Chamber.

COURTROOM SCHEDULE: 5 JULY – 23 JULY

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

MONDAY 5 JULY

Courtroom I	09:00 – 13:45, Karadžić , Trial
Courtroom II	09:00 – 13:45, Perišić , Trial
	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

TUESDAY 6 JULY

Courtroom I	09:00 – 13:45, Karadžić , Trial
	14:15 – 19:00, Šešelj , Trial
Courtroom II	09:00 – 13:45, Perišić , Trial
	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

WEDNESDAY 7 JULY

Courtroom I	09:00 – 13:45, Karadžić , Trial
	14:15 – 19:00, Šešelj , Trial
Courtroom II	09:00 – 13:45, Tolimir , Trial
	14:15 – 19:00, Perišić , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

THURSDAY 8 JULY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial
14:15 – 19:00, **Stanišić & Župljanin**, Trial

FRIDAY 9 JULY

Courtroom I 09:00 – 13:45, **Tolimir**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

MONDAY 12 JULY

Courtroom I 14:15 – 19:00, **Tolimir**, Trial
Courtroom II 14:15 – 19:00, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

TUESDAY 13 JULY

Courtroom I 09:00 – 13:45, **Dordević**, Trial
14:15 – 15:30, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
14:15 – 19:00, **Tolimir**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

WEDNESDAY 14 JULY

Courtroom I 09:00 – 13:45, **Dordević**, Trial
14:15 – 15:30, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

THURSDAY 15 JULY

Courtroom I 09:00 – 13:45, **Tolimir**, Trial
14:15 – 15:30, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

FRIDAY 16 JULY

Courtroom I 14:15 – 15:30, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

MONDAY 19 JULY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

TUESDAY 20 JULY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

WEDNESDAY 21 JULY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
Courtroom III 11:15 – 16:00, **Stanišić & Župljanin**, Trial

THURSDAY 22 JULY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
Courtroom II 09:00 – 13:45, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

FRIDAY 23 JULY

Courtroom II 09:00 – 13:45, **Perišić**, Trial

**Please note that the Tribunal's Summer Recess will take place
between 26 July and 13 August 2010.**

PROCEEDINGS COMPLETED WITH REGARD TO 125 ACCUSED

Since the very first hearing (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 125 of them: 12 have been acquitted, 64 sentenced (four are awaiting transfer, 26 have been transferred, 31 have served their term, and three 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 36 accused: 16 are at the appeals stage and 18 are currently on trial. Two fugitives are still at large.

A further 31 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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