

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

(IT-98-32/1-R77.1)

ZUHDIJA TABAKOVIĆ

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TABAKOVIĆ**
Convicted of contempt of the Tribunal in the Lukić & Lukić case


A potential witness in the case of *The Prosecutor v. Milan Lukić and Sredoje Lukić*

- Sentenced to three months' imprisonment

Crimes convicted of:

Contempt of the Tribunal (Rule 77(A) of the Rules of Procedure and Evidence of the Tribunal)

- On or about 18 October 2008, Tabaković met with Jelena Rašić, the case manager for the Milan Lukić Defence. Rašić showed Tabaković a statement to be used in the Lukić & Lukić case that had already been prepared and told him he would receive €1,000 if he were to put his name to it and sign it. The accused did not witness and had no knowledge of the events described in the statement, but nevertheless agreed to sign it. In addition, he agreed to testify before the Tribunal in a manner consistent with the false statement.
- Following an agreement with Rašić, Tabaković found two other men who were willing to put their names to and sign pre-prepared statements in exchange for €1,000.

Indictment	17 November 2009 (made public on 22 December 2009)
Transferred	18 December 2009
Initial appearance	22 December 2009, pleaded not guilty
Trial Chamber sentencing judgement	15 March 2010, sentenced to three months' imprisonment
Sentence served	Sentence completed on 18 March 2010

STATISTICS

As a plea agreement was reached before the beginning of trial, no trial was necessary.

TRIAL CHAMBER SENTENCING JUDGEMENT	
15 March 2010	
Trial Chamber II	Judges Kevin Parker (presiding), Burton Hall and Howard Morrison
Counsel for the Prosecution	Peter Kremer, Kyle Wood
Counsel for the Defence	Steven Powles

RELATED CASES	
by geographical area	
LUKIĆ&LUKIĆ(IT-98-32/1)	

INDICTMENT AND CHARGES

In accordance with Rule 77 of its Rules of Procedure and Evidence, the Tribunal can conduct proceedings for contempt of court. The ICTY's jurisdiction in respect of contempt is not expressly outlined in the Statute. However, it is firmly established that the Tribunal possesses an inherent jurisdiction, deriving from its judicial function, to ensure that its exercise of the jurisdiction expressly given to it by the Statute is not frustrated and that its basic judicial functions are safeguarded. As an international criminal court, the Tribunal possesses the inherent power to deal with conduct interfering with its administration of justice. Such interference may be by way of conduct which obstructs, prejudices or abuses the Tribunal's administration of justice. Those who knowingly and wilfully interfere with the Tribunal's administration of justice in such a way may, therefore, be held in contempt of the Tribunal.

The indictment against Zuhdija Tabaković was filed confidentially on 30 October 2009, and confirmed on 17 November. It was made public on 22 December 2009. According to the indictment, on or about 18 October 2008, Zuhdija Tabaković met with Jelena Rašić at a café in Sarajevo, Bosnia and Herzegovina. At the time, Rašić had been assigned as "case manager" for the Milan Lukić Defence in the case of *The Prosecutor v. Milan Lukić and Sredoje Lukić*. During this meeting or shortly after, Rašić showed Tabaković a statement to be used in the Lukić & Lukić case that had already been prepared and told him she would give him €1,000 if he put his name upon it, signed it and had his signature certified at the Novi Grad (Sarajevo) Municipality building. She told him he would be given more money if he came to The Hague to testify on behalf of Milan Lukić in a manner consistent with the statement. Tabaković read the statement and knew that by putting his name on it and signing it, he would be providing a false statement. He put his name on the statement and signed it. In addition, he agreed to testify before the Tribunal in a manner consistent with the false statement. On or about 20 October 2008, Tabaković met Rašić at the Novi Grad Municipality building. He signed multiple copies of the false statement and these signatures were certified by a municipality worker. After his signature was certified, Rašić provided him with an envelope containing €1,000. Furthermore, during their meeting on or about 18 October, Rašić showed Tabaković two additional pre-prepared statements and asked him to find two other men to sign them. Tabaković found two men and, on a date between 17 and 24 October 2008, met with them, showed them the statements, and asked each whether he would be willing to sign one of the statements in exchange for payment of €1,000. Both men stated that they would be willing to do so. In return for their putting their names on and signing the statements, each man received €1,000 from a man named "Dragan", who was associated with Rašić.

Zuhdija Tabaković was charged with:

- Six counts of Contempt of the Tribunal (Rule 77 (A) and (B) of the Rules of Procedure and Evidence)

PLEA AGREEMENT /GUILTY PLEA

The Tribunal's Rules of Procedure and Evidence provide for a plea agreement procedure (Rule 62 *ter*). The Prosecutor and the Defence may agree that, upon the accused entering a plea of guilty to the indictment or to one or more counts of the indictment, the Prosecutor can apply to the Trial Chamber to amend the indictment accordingly and ask for a sentence within a specific range or agree to the sentencing range suggested by the Defence. The Trial Chamber is not bound by any such agreement. On 12 March 2010, a motion to consider a plea agreement was jointly filed by the parties according to which the accused agreed to plea guilty to counts 1, 3 and 4 of the indictment and the Prosecution agreed to dismiss the counts 2, 4 and 6. On 15 March 2010, the Chamber accepted the plea agreement.

TRIAL CHAMBER SENTENCING JUDGEMENT

On 15 March 2010, Trial Chamber rendered its judgement, convicting Tabaković of:

- Contempt of the Tribunal (Rule 77(A) of the Rules of Procedure and Evidence of the Tribunal)

Sentence: three months' imprisonment (credit was given for time spent in detention)

On 18 March 2010, Zuhdija Tabaković was released from custody having completed his sentence.