

**General Assembly  
Security Council**Distr.: General  
1 August 2014

Original: English

**General Assembly  
Sixty-ninth session**

Item 73 of the provisional agenda\*

**Report of the International Tribunal for the Prosecution  
of Persons Responsible for Serious Violations of  
International Humanitarian Law Committed in the  
Territory of the Former Yugoslavia since 1991****Security Council  
Sixty-ninth year****Report of the International Tribunal for the  
Former Yugoslavia****Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the Statute of the Tribunal (see [S/25704](#) and Corr.1, annex) which states that the President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

---

\* [A/69/150](#).



## **Letter of transmittal**

### **Letter dated 1 August 2014 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the General Assembly and the President of the Security Council**

I have the honour to submit the twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, dated 1 August 2014, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

*(Signed)* Theodor **Meron**  
President

## **Twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

### *Summary*

The twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 covers the period from 1 August 2013 to 31 July 2014.

The Tribunal continued to focus on the completion of all trials and appeals, rendering two appeal judgements. Nine cases — 4 trials and 5 appeals — remain. All 161 indicted individuals are accounted for. At the close of the reporting period, 16 persons were in appeal proceedings and 4 were on trial. The present report details the activities of the Tribunal during the reporting period and demonstrates the commitment of the Tribunal to completing its proceedings as soon as possible, but without sacrificing due process.

The President of the Tribunal focused his efforts on completing the judicial work expeditiously, while maintaining high standards of procedural justice. In this context, he undertook and promoted efforts to monitor and prevent delays, including training programmes, and expedited translations of trial judgements. The President also facilitated successful efforts to bring two additional judges to the Tribunal, thereby reducing the likelihood that the judges' workload would delay proceedings.

With the valuable assistance of the Office of Legal Affairs of the Secretariat and the Security Council Informal Working Group on International Tribunals, the Tribunal continued to support a smooth transition of functions to the International Residual Mechanism for International Criminal Tribunals. While preparing for this transition, the Tribunal continued to make significant contributions to both the development of legal norms of international criminal law and procedure and to the maintenance of peace and stability in the States of the former Yugoslavia.

The Office of the Prosecutor made progress towards the completion of the mandate of the Tribunal at both the trial and appellate levels. The Office continued to develop working relationships with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and to support domestic war crimes prosecutions.

Under the authority of the President, the Registry provided administrative and judicial support to the Tribunal, coordinating a wide range of legal, policy and operational matters. The Registry also coordinated the practical arrangements necessary for the transfer of responsibilities to the Mechanism.

## I. Introduction

1. The twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2013 to 31 July 2014.

2. During the reporting period, the Appeals Chamber delivered judgements in the *Šainović et al.* and *Đjordžević* cases, as the Tribunal continued to implement its completion strategy as endorsed by the Security Council in resolution 1503 (2003). At the close of the reporting period, fewer than 10 trials and appeals were pending, the Tribunal had concluded proceedings against 141 of the 161 persons indicted and there were no outstanding indictments for violations of core statutory crimes. Five appeals involving 16 persons and four trials involving 4 persons were ongoing.

3. The President, Judge Theodor Meron, and the Vice-President, Judge Carmel Agius, were re-elected for an additional two-year term in October 2013. The Prosecutor, Serge Brammertz, and the Registrar, John Hocking, continued to fulfil their duties at the Tribunal.

4. The members of the Tribunal continued to identify and adopt measures to maximize the efficiency of its judicial proceedings while preserving the highest levels of procedural fairness. Additional training programmes for legal drafters were organized; the translation process was actively managed, with additional resources assigned to translations of lengthy judgements; and the progress of trials and appeals was closely monitored to address potential causes of delay. During the reporting period, two additional judges were welcomed to the Tribunal, who were assigned to the Appeals Chamber and whose presence will help prevent delays in completing ongoing cases.

## II. Activities involving the entire Tribunal

### A. President

5. The President oversaw the work of the Tribunal, focusing on the judicial responsibilities of his office and on initiatives aimed at the timely completion of trials and appeals. He also pursued capacity-building and legacy projects and met with Governments and international organizations.

#### 1. Preventing delays and strengthening the Appeals Chamber

6. The President coordinated closely with the judges of the Tribunal to reduce the risk of delays in trials and appeals. Among other efforts, the President closely monitored the progress of cases and proactively assigned additional legal staff to teams requiring assistance.

7. The President acted to prevent potential delays caused by the workload of the Appeals Chamber and successfully facilitated efforts to bring additional judges to the Tribunal. Judge Mandiaye Niang of Senegal was sworn in on 30 October 2013 and has been assigned to the trial bench in the case of *Prosecutor v. Vojislav Šešelj* and the appeal in the case of *Prosecutor v. Vujadin Popović et al.* Judge Koffi Kumelio A. Afande of Togo was sworn in on 12 December 2013 and has been

assigned to two appeals in the cases of *Prosecutor v. Jovica Stanišić and Franko Simatović* and *Prosecutor v. Mičo Stanišić and Stojan Župljanin*; interlocutory appeals in the *Karadžić, Mladić, and Šešelj* cases; and two appeals from the International Criminal Tribunal for Rwanda, *Prosecutor v. Édouard Karemera and Mathieu Ngirumpatse* and *Prosecutor v. Callixte Nzabonimana*.

## **2. Capacity-building and legacy**

8. The Tribunal worked with the Organization for Security and Cooperation in Europe (OSCE) on the second phase of the War Crimes Justice Project. That phase included skills training for judges, prosecutors and defence lawyers in the former Yugoslavia. In addition, the Tribunal participated in peer-to-peer meetings for judges and witness support services in the region.

9. The Tribunal continued to work with local authorities and international partners to establish information centres in the former Yugoslavia. In Bosnia, the project has the support of all three members of the Presidency (Bosniak, Serbian and Croatian), who agreed that at least two centres should be established in Bosnia, one in Sarajevo in the Federation of Bosnia and Herzegovina and one in Banja Luka in Republika Srpska. The city of Sarajevo has been identified as the local partner that will host the information centre, while in Banja Luka the proposed host institution is the Archive of Republika Srpska. The Mayor of Sarajevo has pledged space for the centre in the renovated city hall, while the initial proposal for Banja Luka is for the centre to be situated on the premises of the Archive. Furthermore, following a request made by victims' associations from Srebrenica during a meeting with the President of the Tribunal, contact has been made with the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide to explore the possibility of establishing an information centre in the Srebrenica region on the premises of the Memorial. The representatives of the Memorial have confirmed their general interest in joining the project and further details will be discussed in the coming months. In Croatia, the authorities restated their position that an information centre could be hosted on the premises of the University of Zagreb should the decision be made to establish a centre in Croatia. In Serbia, the new Government has yet to provide an official response to the proposal to establish an information centre. Initiatives in all countries will require external funding and support.

10. In November 2013, to mark the twentieth anniversary of its establishment by Security Council resolution [827 \(1993\)](#), the Tribunal convened a conference in Sarajevo. The conference discussed a number of key topics, including victim and witness protection, support in war crimes trials before national courts and the legacy, achievements and continuing challenges of the Tribunal. The President gave a keynote address at the conference, which was attended by representatives of various communities in the former Yugoslavia, officials from national judiciaries and regional and international experts, panellists and speakers.

## **3. Relations with Governments and international organizations**

11. Throughout the reporting period the President conducted a number of missions on behalf of the Tribunal, during which he provided briefings to government and judicial officials on the work of the Tribunal, the implementation of the completion strategy, the transition to the Mechanism and the challenges facing the Tribunal. The President undertook such visits to Bosnia and Herzegovina from 24 to 28 November

2013; to France on 10 January 2014; to the United Kingdom of Great Britain and Northern Ireland on 19 and 20 May 2014; to the United States of America on 29 and 30 May 2014; and to Croatia on 6 and 7 July 2014.

12. The President also made presentations regarding the work of the Tribunal to the principal organs of the United Nations. On 14 October 2013, he addressed the General Assembly regarding the twentieth annual report of the Tribunal ([A/68/255-S/2013/463](#)). On 5 December 2013, the President addressed the Security Council to present the twentieth completion strategy report of the Tribunal ([S/2013/678](#)). On 5 June 2014, the President addressed the Security Council regarding the twenty-first completion strategy report of the Tribunal ([S/2014/351](#)).

13. The Tribunal hosted a number of official visitors during the reporting period, who met with the President, judges and other officials to learn about the achievements, challenges and ongoing work of the Tribunal. Government representatives who visited included a delegation from the Ministry of Justice of the Netherlands, Under-Secretaries of State for Justice from Germany and diplomats from various embassies. Visits by legal professionals included delegations of judges from China, Germany and the Republic of Korea; a group of judges from East Africa, including the President of the East African Court of Justice and the Chief Justice of the United Republic of Tanzania; a group of French judges and prosecutors; and a delegation of Spanish magistrates.

#### **4. Judicial activity**

14. The Statute of the Tribunal, the rules of procedure and evidence and the practice directions confer upon the President certain judicial functions. In carrying out such duties the President issued numerous orders assigning cases to Chambers and reviewed several decisions of the Registrar in the reporting period. The President also considered three requests for pardon, commutation of sentence, transfer and early release of persons convicted by the Tribunal, granting two requests and rejecting one.

#### **5. Transition to the Mechanism**

15. The branch of the Mechanism in The Hague commenced operations on 1 July 2013. The President has taken active steps to ensure a smooth handover of functions to the Mechanism, liaising with internal and external stakeholders and facilitating the development of necessary practices and procedures.

### **B. Bureau**

16. Pursuant to rule 23 of the rules of procedure and evidence, the Bureau is composed of the President, the Vice-President and the presiding judges of the Trial Chambers. During the reporting period, the President consulted the Bureau on requests for pardon, commutation of sentence and early release of convicted persons serving their sentences. The Bureau also advised the President on general policy matters relevant to the Tribunal.

### **C. Coordination Council**

17. Pursuant to rule 23 bis of the rules of procedure and evidence, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, archives, budgetary concerns and ensuring a smooth transition to the Mechanism.

### **D. Plenary sessions**

18. During the reporting period, the judges held three plenary sessions, on 1 October and on 10 December 2013 and on 17 July 2014.

### **E. Rules Committee**

19. The judicial membership of the Rules Committee comprises Vice-President Carmel Agius (Chair), President Theodor Meron and Judges Christoph Flügge, Alphons Orie, and O-Gon Kwon. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met on 15 May 17 June and 25 June 2014, to discuss proposed amendments to the rules of evidence and procedure and make recommendations to the judges of the Tribunal.

## **III. Activities of the Chambers**

### **A. Composition of the Chambers**

20. Twenty-three judges from 22 countries currently serve at the Tribunal. The Chambers are currently composed of 14 permanent tribunal judges, 6 permanent judges of the International Criminal Tribunal for Rwanda serving in the Appeals Chamber and 3 ad litem judges.

21. The permanent judges are Theodor Meron (President, United States), Carmel Agius (Vice-President, Malta), Christoph Flügge (Germany), Alphons Orie (Netherlands), O-Gon Kwon (Republic of Korea), Patrick Robinson (Jamaica), Fausto Pocar (Italy), Liu Daqun (China), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom), Guy Delvoie (Belgium) and Koffi Kumelio A. Afande (Togo). The permanent judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber are William Hussein Sekule (United Republic of Tanzania), Mehmet Güney (Turkey), Arlette Ramaroson (Madagascar), Khalida Rachid Khan (Pakistan), Bakhtiyar Tuzmukhamedov (Russian Federation) and Mandiaye Niang (Senegal).

22. The ad litem judges are Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Flavia Lattanzi (Italy), and Melville Baird (Trinidad and Tobago). Frederik Harhoff (Denmark) served as an ad litem judge during the reporting period but left the Tribunal on 21 October 2013.

23. At the close of the reporting period, the Trial Chambers were composed of Judges Orié (presiding), Kwon (presiding), Flügge (presiding), Antonetti, Moloto, Hall, Morrison, Delvoie, Mindua, Lattanzi and Baird.

24. At the close of the reporting period, the Appeals Chamber was composed of Judges Meron (presiding), Agius, Sekule, Robinson, Güney, Pocar, Liu, Ramaroson, Khan, Tuzmukhamedov, Niang, and Afande.

## **B. Principal activities of the Chambers**

25. There were no pretrial cases pending before Trial Chambers during the reporting period.

### **1. Trial Chamber I**

#### *Mladić*

26. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Orié (presiding), Flügge and Moloto. The trial commenced on 16 May 2012. The defence case started on 19 May 2014 and the judgement is expected in July 2016.

### **2. Trial Chamber II**

#### *Hadžić*

27. Goran Hadžić is charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber is composed of Judges Delvoie (presiding), Hall and Mindua. The trial commenced on 16 October 2012. The defence case started on 3 July 2014, and the judgement is expected in December 2015.

### **3. Trial Chamber III**

#### *Karadžić*

28. Radovan Karadžić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009. The defence case closed on 2 May 2014 and closing arguments are expected in September 2014. The judgement is expected in October 2015.

#### *Šešelj*

29. Vojislav Šešelj is charged with nine counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina and Vojvodina (Serbia) between August 1991 and September 1993. Following the disqualification of Judge Harhoff in October 2013, while the case was in its deliberation phase, the Trial Chamber is now

composed of Judges Antonetti (presiding), Niang and Lattanzi. The decision of the Trial Chamber that the trial could continue, despite Judge Harhoff being replaced by Judge Niang, was upheld by the Appeals Chamber.

30. Judge Niang must now certify that he has familiarized himself with the record of proceedings prior to their recommencement. Judge Niang has advised that he will require at least until the end of June 2015 in order to familiarize himself with these proceedings. Presiding Judge Antonetti has indicated that he will do his best to shorten the period required to render the judgement once Judge Niang's review has been completed.

#### **4. Rule 11 bis Referral Bench**

31. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution [1503 \(2003\)](#). During the reporting period, the Rule 11 bis Referral Bench issued a confidential decision in relation to a previously referred case.

#### **5. Hearings pursuant to rule 75 (H) and (G), rule 75 bis and rule 75 ter of the rules of procedure and evidence**

32. On the request of a third party, two hearings pursuant to rule 75 bis of the rules of procedure and evidence were conducted. Since the responsibility for applications in cases where no chamber of the Tribunal remains seized has now moved to the Mechanism, the former specially appointed chamber that addressed applications under the rules no longer exists.

#### **6. Principal activities of the Appeals Chamber**

##### **(a) Interlocutory appeals**

33. The Appeals Chamber issued nine decisions on interlocutory appeals.

##### **(b) Appeals on the merits**

34. The Appeals Chamber rendered two final judgements during the reporting period.

35. In the case of *Prosecutor v. Nikola Šainović et al.*, the appeal judgement was rendered on 23 January 2014. The Appeals Chamber affirmed the majority of the defendants' convictions while granting certain grounds of appeal raised by the appellants. The Appeals Chamber reduced Mr. Šainović's sentence from 22 to 18 years of imprisonment; affirmed Nebojša Pavković's sentence of 22 years of imprisonment; reduced Vladimir Lazarević's sentence from 15 to 14 years of imprisonment; and reduced Sreten Lukić's sentence from 22 to 20 years of imprisonment.

36. In the case of *Prosecutor v. Vlastimir Đorđević*, the appeal judgement was rendered on 27 January 2014. The Appeals Chamber affirmed the majority of Mr. Đorđević's convictions, while granting, either in full or in part, certain grounds of appeal raised by him and one ground of appeal raised by the prosecution. Granting the latter ground of appeal, the Appeals Chamber entered an additional conviction for persecution (sexual assault). The Appeals Chamber reduced Mr. Đorđević's sentence from 27 to 18 years of imprisonment.

37. Five Appeals Chamber cases discussed in the previous annual report, namely *Prosecutor v. Vujadin Popović et al.*, *Prosecutor v. Zdravko Tolimir*, *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Mićo Stanišić and Stojan Župljanin* and *Prosecutor v. Jadranko Prlić et al.*, are still pending before the Appeals Chamber. The Appeals Chamber held an appeal hearing in the *Popović et al.* case in December 2013. Pre-appeal activity is ongoing in the other cases and judgements in the five cases are respectively forecast to be rendered in October 2014, March June 2015 and November 2015 and mid-2017.

38. As set out above, the appeal judgement in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* is now forecast for June 2015, later than the previous forecast of December. The reasons for the delay in the case are as follows: (a) the fact that the initial projection was based on an incorrect assessment of the case, as compared with other cases and (b) supervening difficulties during the first half of the current year in the activities of the legal team charged with assisting the Chamber in the pre-appeal phase, which were only identified in June 2014. Once the latter problem had been identified, action was immediately taken to avoid any further delay and a new coordinator was appointed to lead the team.

**(c) Other appeals**

39. In the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, the Appeals Chamber denied, on 30 August 2013, Sredoje Lukić's motion seeking reconsideration of the appeal judgement.

40. In the case of *Prosecutor v. Momčilo Perišić*, on 20 March 2014, the Appeals Chamber denied a prosecution motion seeking reconsideration of the appeal judgement.

41. A total of 126 pre-appeal decisions and orders were issued during the reporting period.<sup>1</sup>

## **IV. Activities of the Office of the Prosecutor**

### **A. Completion of trials and appeals and transition to the Mechanism**

42. During the reporting period, the Office of the Prosecutor remained focused on ensuring the expeditious continuation of trial proceedings and efficiently handling the remaining appeals, while contending with the problem of escalating staff attrition and downsizing. The Office continued to allocate its resources flexibly to ensure that it met all its obligations, while maintaining the highest standards of justice. On 1 July 2013, the Office transferred some of its functions to the Mechanism and has since continued to assist Mechanism officials and personnel in transferring functions in accordance with the prescribed transitional arrangements.

43. In the reporting period, judgements were issued in two appeals (*Šainović et al.* and *Dorđević*). At the end of the reporting period two cases were in the phase of presentation of defence evidence (*Hadžić* and *Mladić*); one case was in the final briefing process following the completion of the phase of presentation of defence evidence (*Karadžić*); and one case was still awaiting judgement at the trial chamber

---

<sup>1</sup> This figure includes orders and decisions filed as of 30 July 2013.

level (*Šešelj*). In addition, five cases were on appeal (*Popović et al.*, *Tolimir, Stanišić and Župljanin, Prlić et al.*, and *Stanišić and Simatović*).

## **B. Cooperation**

44. The Office of the Prosecutor continued to rely on the full cooperation of States to fulfil its mandate. The cooperation of the States of the former Yugoslavia remains important and is primarily focused on day-to-day support for ongoing trials and appeals. The Prosecutor continued to foster working relations with national prosecutors, meeting with officials in Sarajevo in October 2013 and April 2014; in Belgrade in November 2013 (with his planned May 2014 visit cancelled due to the floods) and in Brijuni, Croatia, in May 2014 to discuss cooperation and other issues of mutual relevance. The Office will continue to request cooperation from Serbia, Croatia and Bosnia and Herzegovina in support of its ongoing casework in the months to come.

### **1. Cooperation of Serbia**

45. Serbia continued to play an important role in ensuring the successful completion of the work of the Office of the Prosecutor. Serbia has been diligent in processing requests for assistance from the Office and has adequately facilitated its access to witnesses, including by facilitating the appearance of witnesses before the Tribunal.

### **2. Cooperation of Croatia**

46. Over the course of the reporting period, the Croatian authorities provided timely and adequate responses to day-to-day requests for assistance from the Office of the Prosecutor and facilitated access to witnesses and evidence as required. Throughout the presentation of the prosecution evidence in the Hadžić trial, Croatia facilitated videoconference links, enabling elderly or ill witnesses to give evidence without having to travel to the Tribunal and in September 2013, it facilitated a site visit of the Hadžić trial chamber to certain locations in eastern Croatia referred to in the Hadžić indictment.

### **3. Cooperation of Bosnia and Herzegovina**

47. During the reporting period, the authorities of Bosnia and Herzegovina responded promptly and adequately to most requests from the Office of the Prosecutor for documents and access to government archives. They also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal.

### **4. Cooperation between States of the former Yugoslavia in judicial matters**

48. The Office of the Prosecutor continued to promote improved regional cooperation and collaboration in war crimes matters as an essential tool for combating impunity in the former Yugoslavia. The Office also fostered productive working relationships between regional prosecutors. A protocol on the exchange of information and evidence in war crimes cases was adopted between Bosnia and Herzegovina and Montenegro on 29 April 2014, following the signing of similar protocols between Bosnia and Herzegovina and Serbia and Croatia in the previous

reporting period. While investigative files have been transferred as a result of the protocols, no indictments have yet been transferred. The Office encourages the respective authorities to produce concrete results from implementation of the protocol.

49. The regional cooperation protocols came under public scrutiny in January and February 2014, when Serbia and Croatia issued international arrest warrants against citizens of Bosnia and Herzegovina. One of the aims of the protocols was to avoid the potentially destabilizing effects in the region of issuing such warrants. The Office of the Prosecutor encourages the signatories to use the channels described in the protocols as the primary avenue for concluding any investigations concerning individuals in other States.

#### **5. Cooperation of other States and organizations**

50. Cooperation and support from States outside the former Yugoslavia and from international organizations remained important for the successful completion of the mandate of the Tribunal. In order to progress its remaining casework expeditiously, the Office of the Prosecutor must continue to access the wealth of information held in the archives and other institutions of Member States of the United Nations. The Office acknowledges the assistance it has received from the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, OSCE, the Council of Europe and non-governmental organizations, including those active in the former Yugoslavia.

### **C. Transition from the Tribunal to national war crimes prosecutions**

51. As the Tribunal moved closer to the completion of its mandate, the Office of the Prosecutor remained committed to promoting effective war crimes prosecutions in the former Yugoslavia. During the reporting period, the Office continued to provide information related to the ongoing cases at the Tribunal to assist national jurisdictions in prosecuting crimes arising out of the conflict in the former Yugoslavia. The joint European Union/Tribunal “liaison prosecutors” project, in its fifth year of operation, remained a central component of the Office’s strategy to strengthen the capacity of national criminal justice systems in the former Yugoslavia to undertake war crimes cases.

52. However, the Office was seriously concerned about the very limited progress in the investigation and prosecution of the category II cases (investigation files), almost five years after it transferred the last such case to Bosnia and Herzegovina. In spite of assurances in numerous meetings concerning the completion of those cases, only one prosecutorial decision had been taken resulting in the issuance of an indictment. No prosecutorial decision had been taken to close or complete another category II investigation. The Prosecutor has called upon the Prosecutor’s Office of Bosnia and Herzegovina to devote serious time and attention to those cases. The Prosecutor will return to Bosnia and Herzegovina in September to review the progress that has been made towards resolving the outstanding category II caseload.

53. The Office of the Prosecutor continued to urge the authorities of Bosnia and Herzegovina to finalize investigations arising out of material it has transferred to them concerning crimes documented in cases brought by the Office, but which did not form part of indictments at the Tribunal.

54. Serious issues remained in relation to the implementation of the national war crimes strategy in Bosnia and Herzegovina. The strategy continues to face considerable delays and a large backlog of cases remains to be prosecuted. The Prosecutor's Office of Bosnia and Herzegovina has indicated that its initial deadline for completing 352 complex cases will need to be extended for three years, until the end of 2018.

55. Although there has been some progress in the transfer of cases from State judicial organs to entity judicial organs, the number of indictments issued by the entities remained low. Continued attention is needed regarding the resources available for investigating and prosecuting cases at the entity level.

56. Comprehensive measures and a commitment to radical improvements are required to make the strategy effective. The Office of the Prosecutor hopes that the recent increase in staff numbers in the Prosecutor's Office of Bosnia and Herzegovina, including the near doubling of the number of prosecutors in the war crimes department, will advance the implementation of the strategy in the upcoming period. The Office will follow the anticipated progress closely. In addition, the Office urges the authorities of Bosnia and Herzegovina to pay increased attention to cases of sexual violence, given the reported magnitude of such crimes and the current dearth of prosecutions devoted to them.

#### **D. Capacity-building and legacy**

57. The Office of the Prosecutor has continued its efforts to transfer expertise and information to national authorities in order to build capacity for national war crimes prosecutions in the former Yugoslavia. It has also sought to share the lessons learned and best practices developed from its work over the past 21 years with national counterparts working across a range of criminal justice sectors in Africa, South America, Europe and the Middle East. While directly relevant to national war crimes prosecutions, the experience of the Office is also beneficial for the investigation and prosecution of other types of transnational and complex crimes, such as terrorism and organized crime.

#### **V. Activities of the Registry**

58. During the reporting period, the Registry provided judicial, diplomatic, operational and administrative support for the Tribunal and managed its outreach programme.

59. The Registry serves a wide range of clients, including judges and parties, witnesses and detained persons, Member States and international organizations. The Registry administers court operations and judicial records, provides assistance to national jurisdictions, offers protection and support services to witnesses, administers the legal aid scheme of the Tribunal, explains the mandate and achievements of the Tribunal and manages the United Nations Detention Unit. It develops policies and negotiates agreements. In addition, the Registry coordinates or provides the entire spectrum of administrative services from human resources to security, procurement to finance and budget, information technology and general services, to the provision of health services.

## A. Division of Judicial Support Services

60. During the reporting period, the Registry supported four cases on trial and seven on appeal, involving 25 accused persons.

61. The Judicial Support Services Division underwent a major restructuring and consolidation to streamline its operations and respond to the downsizing efforts of the Tribunal. The restructuring included the merger of part of the former Court Management Support Services, the Victims and Witnesses Section and the Office for Legal Aid and Defence into one new section: the Court Support Services Section as of 1 March 2014. The recently established Section has four units: the Witness Support and Operations Unit and the Witness Protection Unit (collectively referred to as the Victims and Witnesses Section), the Courtroom Operations Unit and the Office for Legal Aid and Defence. Another part of the former Court Management Support Services, now called the Judicial Records Unit, reports to the Mechanism Archives and Records Section.

62. As of 31 July 2014, the Victims and Witnesses Section had assisted 207 witnesses (and accompanying support persons) to travel to The Hague to give evidence. In addition, it continued to consult with witnesses on applications to vary their protective measures. Further, for its research regarding the long-term impact of giving testimony at the Tribunal, it completed 95 witness interviews. The Witness Protection Unit coordinated professional responses to threats to witnesses and continued working on relocating protected witnesses. The Victims and Witnesses Section supported the Mechanism in preparing policies and practices and developing shared access to its databases for the branches of the Mechanism in The Hague and Arusha.

63. The Courtroom Operations Unit supported four trials and seven appeals, including five videoconference links, four rule 92 bis missions and one site visit. It also assisted three self-represented accused through its *Pro Se* Office. As of 31 July 2014, in cooperation with the Judicial Records Unit, the Unit had processed 81 requests for assistance submitted by national jurisdictions.

64. The Office for Legal Aid and Defence continued to administer the legal aid system of the Tribunal, overseeing more than 200 defence team members. Of the 25 individuals in trial and appeal proceedings during the reporting period, 23 were found unable or partially unable to remunerate counsel and were thus granted legal aid. Approximately half of those cases were ranked at the highest complexity level. The Office also assisted detained witnesses with their legal representation and administered the appointment and remuneration of *amici curiae*. In addition, the Office provided assistance on legal, policy, and operational matters relating to the management of the legal aid system of the Mechanism.

65. As of 31 July 2014, the Judicial Records Unit had processed 3,562 Tribunal filings (49,585 pages), 425 Mechanism filings (3,064 pages) and 714 transcripts (57,005 pages). It also facilitated the sharing and transfer of judicial records between the Tribunal and the Mechanism.

66. The Conference and Language Services Section continued to provide interpretation, translation and court reporting services for the Tribunal. At the beginning of June 2014, it delivered the English translation of the French trial judgement issued in the *Prlić et al.* case. It did so only 13 months after the date of

the original judgement. With approximately 1.3 million words or 4,260 United Nations pages, this was the longest judgement ever translated by the Section.

67. The Office of Document Management merged with the Conference and Language Services Section in September 2013. Its work of processing translation requests and identifying duplicates saved approximately \$400,000 over the reporting period.

68. The United Nations Detention Unit continued to support both the Tribunal and the Mechanism and was responsible for detaining up to 34 individuals in conditions meeting the applicable international standards. It facilitated the presence of detainees at court hearings, ensured the care and security of detained witnesses and implemented the provisional release of one detainee. The Unit continued to support self-represented accused in the preparation of their defence cases with a wide range of facilities. Detainees were provided with in-house medical care and specialist medical assistance. In addition, it facilitated medical examinations by court-appointed medical experts and by physicians chosen by detainees.

## **B. Administration Division**

69. Under the leadership of the Registrar, the Tribunal was again successful in being granted its requested budget in its entirety. By resolution [68/256](#), the General Assembly decided to appropriate the full amount of \$201,688,200 gross (\$179,998,600 net) for the biennium 2014-2015.

70. During the biennium 2014-2015, extra budgetary resources are estimated at \$1,079,300 to be utilized for a variety of Tribunal activities. As of 31 July 2014, cash donations of approximately \$52.5 million had been received by the Voluntary Fund over the lifetime of the Tribunal. For the period from 1 August 2013 to 31 July 2014 the Tribunal received and administered \$929,833 in voluntary cash contributions.

71. Under the leadership of the Registrar, the Administration Division continued to actively engage with both management and staff representatives in further implementing downsizing procedures. The Office of Internal Oversight Services noted that the comparative review and downsizing process implemented at the Tribunal represented “Best practice in leadership of a change process”. The budget approved for the biennium 2014-2015 envisages a phased reduction of 361 temporary posts and general temporary assistance positions during the biennium. Approximately 50 per cent of staff members were supported in their career transition through a wide range of measures, including in-house workshops and individual coaching.

72. The Division also coordinated the finalization of the proposed budgets for the Tribunal and the Mechanism for the biennium 2014-2015. In accordance with the administrative closure plan approved in 2012, the administration building will be gradually vacated during the reporting period. All staff members in the administration building are expected to be relocated to the main building by the end of the biennium. Finally, during the reporting period the Administration Division provided overall administrative support to the Mechanism, which included, inter alia, the launch and start-up of the branch of the Mechanism in The Hague.

### **C. Office of the Registrar, Mechanism Archives and Records Section and Communications Service**

73. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry sections and representing the Tribunal in its relations with the host State, embassies and ministries, the United Nations and other international organizations.

74. The Immediate Office also supported the Registrar in managing Mechanism registry operations in both Arusha and The Hague. With the latter branch in operation, the Tribunal Registry shifted its focus from setting up the branch to supporting judicial proceedings before the Mechanism and finalizing its policies and operating procedures. The staff of the Tribunal worked hand in hand with the staff of the Mechanism to ensure that the policies of the Mechanism reflected the most efficient and effective procedures and benefited from lessons learned at the Tribunal.

75. The Immediate Office continued to assist the Registrar and the Administration Division with the implementation of downsizing procedures. In light of the continuing decrease in the number of posts and reduction in staff, it also assisted in implementing the new structure for the Division of Judicial Support Services in pursuit of further efficiencies. Registry staff were assisted in applying their expertise to new tasks and becoming ever more multifunctional.

76. The Mechanism Archives and Records Section continued to support the Tribunal offices with the preparations for transferring the records to the Mechanism. To date, the Tribunal has transferred approximately 13 per cent of the estimated total volume of physical inactive records that are expected to be transferred to Section. The Section contributed to the further development of policies and procedures, such as the electronic mail policy of the Tribunal.

77. Utilizing the expertise of the Mechanism Archives and Records Section, the Registrar led the implementation of the emergency response and disaster recovery plan for the Tribunal, organizing disaster readiness measures. The Section continued to develop and implement the retention schedules of the Tribunal records, focusing on schedules for the records of Chambers and the Administration Division. The Section continued to provide records storage and retrieval services for Tribunal offices, including the destruction of time-expired records in compliance with approved retention schedules.

78. Interest in the work of the Tribunal remained extremely high, with the Communications Service continuing to provide information to a wide range of audiences. During the reporting period, the Tribunal welcomed almost 6,000 visitors.

79. The audience base for the social media platforms of the Tribunal continued to expand. The website provided a selection of judicial documents and the online broadcast of all trials in all available languages. The Communications Service also supported the development of an Internet platform for the Mechanism.

80. The outreach programme continued to deliver accurate factual information about the work of the Tribunal and to stimulate debate in the former Yugoslavia. It prepared an exhibition of the work and achievements of the Tribunal, displayed in The Hague and in Sarajevo, and also completed the second, and initiated the third, phase of its youth outreach project in high schools and universities in all countries

of the region, reaching almost 2,000 young people. The field offices of the Tribunal in Belgrade and Sarajevo organized 20 outreach events reaching approximately 1,000 individuals.

81. Two documentaries about the work of the Tribunal were produced. The first, entitled “*Through Their Eyes: Witnesses to Justice*”, which highlights the crucial role that witnesses play in the work of the Tribunal, was screened in Bosnia and Herzegovina, Croatia, Serbia and The Hague, drawing significant media attention. The second, “*Crimes before the ICTY: Central Bosnia*” was completed in July 2014, and will also be widely screened and distributed in the former Yugoslavia and internationally.

82. The European Union has provided funding for the full continuation of the outreach programme until mid-2015, however it will not support the programme beyond that date. The Tribunal underscores the importance of General Assembly resolution [65/253](#), in which it encouraged the Secretary-General to continue to explore measures to raise voluntary funds for outreach activities. The Tribunal calls upon States and other donors to support outreach activities at this critical juncture.

---