



Tuesday 12 July 2011

Highlights of 27/06/2011 through 08/07/2011 – Nr. 99

24 June & 8 July

**Johan Tarčulovski
denied early
release;
transferred to
Germany**

On 24 June, Johan Tarčulovski, a former police officer in the former Yugoslav Republic of Macedonia (FYROM), was denied early release, and on 8 July he was transferred to Germany to serve the remainder of his sentence.

In his decision on early release, Tribunal president Judge Robinson states that Tarculovski has served approximately half his sentence, but notes that “it is the practice of the Tribunal to consider convicted persons to be eligible for early release only when they have served at least two-thirds of their sentences.” The President goes on to say that, while Tarculovski “has displayed some—albeit very limited—evidence of rehabilitation, I am of the view that there remain significant factors that weigh against granting him early release.” Tarčulovski’s “crimes are of a high gravity, involving the killing [of] three men; deliberately destroying or damaging by fire the houses of 12 residents; and very cruelly beating, injuring, or threatening 13 men who had taken shelter.”

Taking the foregoing into account, the President was of the view that Tarčulovski should not be granted early release. The full text of President Robinson's decision can be found at: http://www.icty.org/x/cases/boskoski_tarculovski/presord/en/100823.pdf

On 19 May 2010, the Appeals Chamber affirmed Tarčulovski’s convictions for murder, cruel treatment, and wanton destruction of cities, towns or villages; all of the crimes having been committed against ethnic Albanians during a police operation conducted on 12 August 2001 in the village of Ljuboten in the northern part of FYROM. His co-accused in the case, Ljube Boškovski, FYROM interior minister from May 2001 until November 2002, was acquitted by both the Trial and Appeals Chambers.

28 June

**Tribunal judges
hold peer-to-peer
meeting in
Montenegro**

Judge Fausto Pocar and Judge Bakone Justice Moloto recently travelled to Bečići, Montenegro, where they met with some 20 judges from Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and the former Yugoslav Republic of Macedonia to share experiences in adjudicating war crimes cases. The meeting was held as part of the War Crimes Justice Project.

Commenting on the meeting, Judge Moloto said: “The exchange of ideas and experiences between professionals at the ICTY and our counterparts in the region is part of the Tribunal's legacy, which is aimed at strengthening the jurisdictions of the region to enable them to continue carrying out the important work of processing war crimes cases once the Tribunal has closed down.”

The President of the Montenegrin Supreme Court, Judge Vesna Medenica, said: “The ICTY will soon finish its work. National courts from the former Yugoslavia are actively participating in the ICTY’s completion strategy and carrying on the Tribunal’s legacy in processing the remaining war crimes cases. The national courts have the advantage of the institutional knowledge and expertise generated by the ICTY, in the areas of international criminal and humanitarian law.”

The War Crimes Justice Project is a 4-million euro regional project funded by the European Union and carried out by the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in partnership with the ICTY, the UN Interregional Crime and Justice Research Institute (UNICRI) and OSCE field operations.

30 June

**ICTY delivers new
set of Transcripts
to Bosnia and
Herzegovina**

The Tribunal has delivered another 1,800 pages of transcripts produced in local languages to the authorities in Bosnia and Herzegovina. The transcripts were delivered as part of the War Crimes Justice Project (WCJP).

Commenting on this aspect of the Project, Boris Grubešić, Head of the Public Relations Department of the BiH Prosecutor's Office, said: “*Transcripts in the languages of the region make it easier for local judiciaries to use the testimonies given before the ICTY. These testimonies are related to events that occurred during the war in Bosnia Herzegovina which the Prosecutor’s Office is currently dealing with. Many of our cases include witnesses that testified before the ICTY previously. Their transcripts are therefore very useful in our analysis and investigation of war crimes. We support the continuation of this project, which greatly contributes to increasing the efficiency of the process of determining guilt for war crimes.*”

Approximately 14,000 pages of B/C/S transcripts, out of 38,000 already produced as part of the project, are now available on the Tribunal's Internet Court Records database (ICR). Additional transcripts will be uploaded on the ICR in the coming months, with the aim of publishing the targeted 60,000 pages of transcripts by the end of 2011. Transcripts can be accessed via the following link on the ICTY's website: <http://icr.icty.org>.

30 June

Security Council extends terms of ICTY judges

On 30 June, the Security Council unanimously adopted resolution 1993 (2011), which extended the terms of 17 ICTY judges. The terms of the eight permanent and nine at litem judges mentioned in the resolution will therefore run until 31 December 2012 or until the completion of the cases to which they are assigned.

Furthermore, the resolution called on all states to intensify co-operation with the Tribunal, and in particular calls for the arrest of Goran Hadžić. It also calls upon states that have not concluded enforcement of sentences agreements with the Tribunal, and that are able to do so, to consider concluding such agreements.

The full text of the resolution can be found at:

<http://www.un.org/News/Press/docs/2011/sc10304.doc.htm>

4 July

Mladić further initial appearance

At his further initial appearance before Trial Chamber I, Ratko Mladić refused to enter pleas to any of the counts of the indictment. Pleas of not guilty were entered on his behalf by presiding judge Orić.

A video of the further initial appearance can be found on the ICTY website:

<http://www.icty.org/sid/10720>

6 July

Third Šešelj contempt case initial appearance

At his initial appearance in his third case for contempt before the Tribunal, Vojislav Šešelj pleaded not guilty.

An order in lieu of indictment initiating contempt proceedings against Šešelj was made public on 24 May 2011. The order states that there are sufficient grounds to proceed against Šešelj for having failed to comply with three orders issued by the Trial Chamber and a decision issued by the Appeals Chamber, resulting in the ongoing publication on Šešelj's website of confidential information in violation of a Chamber's orders.

8 July

Veselin Šljivančanin granted early release

Veselin Šljivančanin, a former major, and later colonel, in the JNA, has been granted early release and has left the UN Detention Unit, where he had remained since his sentence was made final last year.

In his decision, President Robinson noted that while the gravity of Šljivančanin's crimes was high, "the time that he has served in detention and his demonstration of some rehabilitation militate in favour of his release."

On 27 September 2007, a Trial Chamber convicted Šljivančanin of a single count of persecution for having aided and abetted the torture of POWs at Ovcara in November 1991. On 5 May 2009, the Appeals Chamber added a conviction for aiding and abetting by omission the murders of 194 people, and increased Šljivančanin's sentence to 17 years of imprisonment. On 8 December 2010, the ICTY's first Appeals Chamber review judgement vacated the additional conviction for aiding and abetting murder and imposed a new sentence of 10 years' imprisonment.

The full text of the President's decision is attached below.

<http://www.icty.org/x/cases/mrksic/presdec/en/110705.pdf>

8 July

Lukić & Lukić appeals hearing scheduled

A scheduling order issued by the Chamber on 8 July has set the dates of 14 and 15 September for the hearing of the appeals in the case of Milan and Sredoje Lukić.

On 20 July 2009, Milan Lukić was sentenced to life imprisonment and Sredoje Lukić to 30 years' imprisonment for crimes against humanity and war crimes committed in the eastern Bosnian town of Višegrad during the 1992-1995 war.

COURTROOM SCHEDULE: 12 JULY – 22 JULY

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

TUESDAY 12 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Župljanin	Trial
		14:15 – 19:00	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Tolimir	Trial
WEDNESDAY 13 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Tolimir	Trial
		14:15 – 19:00	Stanišić & Župljanin	Trial
THURSDAY 14 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Tolimir	Trial
		14:15 – 19:00	Stanišić & Župljanin	Trial
FRIDAY 15 JULY	Courtroom I	09:00 – 14:30	Karadžić	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
MONDAY 18 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	14:15 – 19:00	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
		14:15 – 19:00	Tolimir	Trial
TUESDAY 19 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	09:00 – 15:00	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
		14:15 – 19:00	Tolimir	Trial
WEDNESDAY 20 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
		14:15 – 19:00	Tolimir	Trial
THURSDAY 21 JULY	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
		14:15 – 19:00	Tolimir	Trial
FRIDAY 22 JULY	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial

PLEASE NOTE THAT THE ICTY SUMMER RECESS WILL TAKE PLACE FROM 25 JULY 2011 TO 12 AUGUST 2011

FACTS & FIGURES

161 INDIVIDUALS INDICTED

Since the very first hearing (a 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 126 of them: 13 have been acquitted, 64 sentenced (two are awaiting transfer, 26 have been transferred, 33 have served their term, and three died while serving their sentence), 13 have had their cases transferred to local courts.

- 126** Total number of accused whose proceedings have been completed.
- 36** Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).
- 35** Proceedings are on-going with regard to 35 accused: 16 are at the appeals stage, 14 are currently on trial, and four are at the pre-trial stage. One fugitive is still at large.
- 33** A further 33 individuals have been or are the subject of contempt proceedings.

THE WAR CRIMES JUSTICE PROJECT

aims to facilitate the transfer of knowledge and materials from the ICTY to legal professionals in the former Yugoslavia, thereby enhancing the capacity of judiciaries in the region to handle complex war crimes cases.

The project is funded by the European Union and implemented by the ICTY in partnership with the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and OSCE field operations in the region.

www.icty.org/sections/Outreach/CapacityBuilding

- 38,000** Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.
- 12,900** Total number of transcript pages delivered to the regional judiciaries between October 2010 and June 2011.
- 13,000** Total number of pages publicly available on the ICTY Court Records Database to date: <http://icr.icty.org/>
- 130** Total number of legal professionals from regional judiciaries who have so far received training on searching and accessing publicly available ICTY material.

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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.

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