



IN THE COURTROOMS

29 November 2012

Haradinaj, Balaj and Brahimaj acquitted

ICTY Trial Chamber II has acquitted former KLA members Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj of all charges brought against them in their partial retrial.



The initial indictment against Haradinaj, Balaj and Brahimaj was issued on 4 March 2005. All three surrendered on 9 March 2005. The trial commenced on 5 March 2007 and the Prosecution's case ended in November 2007. All three defence teams chose not to call any evidence.

The Trial Chamber judgement was rendered on 3 April 2008. Haradinaj and Balaj were acquitted of all charges in the indictment. Brahimaj was found guilty of one count of torture as a violation of the laws or customs of war and another count of torture and cruel treatment as violations of the laws or customs of war, and sentenced to six years' imprisonment.

On 21 July 2010, the Appeals Chamber partially quashed the acquittals and ordered the re-trial of all three accused on six counts of the indictment relating to the cruel treatment, torture and murder of prisoners in the KLA-run camp in Jabllanicë/Jablanica. The Appeals Chamber found that the Trial Chamber had failed to take sufficient steps to counter the witness intimidation that permeated the trial, in particular, to facilitate the Prosecution's request to secure the testimony of two witnesses.

In its judgement of 29 November, Trial Chamber II found that "the Prosecution presented no direct evidence to prove that the established crimes were committed as part

of a JCE [joint criminal enterprise] in which the three accused participated", and further found that the Prosecution had provided no evidence that would support convictions under alternative modes of liability.

The three men were therefore found not guilty on all counts in the indictment against them and the Trial Chamber ordered that they be immediately released.

The full text of the [judgement](#) can be found on the ICTY's website.

IN THE COURTROOMS

28 November 2012



Appeals Chamber affirms Šešelj's contempt conviction

The ICTY Appeals Chamber has [affirmed Vojislav Šešelj's conviction for contempt](#) of the Tribunal and his sentence of 18 months' imprisonment for disclosing confidential information pertaining to protected witnesses in a book he authored.

Šešelj, the leader of the Serbian Radical Party, is on trial before the Tribunal for alleged war crimes and crimes against humanity committed between 1991 and 1994 against the non-Serb population from large parts of Bosnia and Herzegovina, Croatia, and Vojvodina, Serbia.

On 31 October 2011, a Trial Chamber found Šešelj guilty of one count of contempt of the Tribunal and sentenced him to a single term of imprisonment of 18 months to be served concurrently with the sentence of fifteen months imposed on 24 July 2009 in his first contempt trial.

The Appeals Chamber granted grounds one and two of the Amicus Prosecutor's appeal, finding that the sentence of 15 months' imprisonment imposed in Šešelj's first contempt case had expired before the contempt trial judgement in the second case was rendered, and that therefore the sentence imposed by the Trial Chamber had no sentence with which

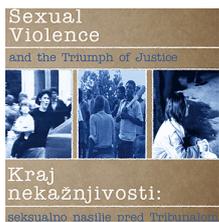
to run concurrently. However, the Appeals Chamber noted that the accused must be given credit for the period he has been in the custody of the Tribunal, which is longer than the total of both the 15-month sentence imposed with respect to Šešelj's first contempt case and his 18-month sentence with respect to this second contempt case. The Chamber therefore concluded that the sentence imposed in the second case had been served.

On 28 June 2012, Šešelj was found guilty of contempt of the Tribunal in a third case, for failing to remove confidential information from his website in violation of the orders of a Chamber. He was sentenced to two years' imprisonment. That judgement is currently under appeal.

The Tribunal regards the inviolability of its decisions on protective measures as an essential element of fair trial process and the rule of law. Several persons who have attempted to interfere with the judicial process in the Tribunal by revealing confidential information have been prosecuted with contempt of the Tribunal.

OUTREACH

22 November 2012



Sexual violence documentary premieres in FYROM

The Tribunal's [Outreach Programme](#) held the first screening in the former Yugoslav Republic of Macedonia (FYROM) of its feature-length documentary *Sexual Violence and the Triumph of Justice*. The documentary depicts the Tribunal's historic role in the prosecution of wartime sexual violence and forms part of Outreach's efforts to raise awareness and understanding of the crimes committed during the conflicts in the former Yugoslavia and the ICTY's achievements in punishing those responsible for such crimes.

The documentary was screened in Skopje on Tuesday, 20 November, and in Tetovo on Wednesday, 21 November. Both screenings were attended by over 100 guests, among whom were journalists, diplomats, staff from NGOs and other international organisations, and representatives of the central and local authorities of FYROM. The screenings were organised in cooperation with Civil - Centre for Freedom, the Tribunal's partner organisation in FYROM.

Commenting on the value of the documentary, Uranija Pirovska, Executive Director of the Helsinki Committee for Human Rights Macedonia, said: "I think this movie is very important even for our country because it represents a warning for all possible future armed conflicts, that sexual violence will not be forgiven or go unpunished."

Available in English, Bosnian/Croatian/Serbian and Macedonian the documentary has now been screened in Sarajevo, Zagreb, Belgrade and Novi Sad. It has been widely distributed to victims' organisations, local schools, and partner NGOs across the region of the former Yugoslavia. It will be soon made available on the Tribunal's website.

STATUS OF CASES

CASES AT TRIAL

Hadžić	<ul style="list-style-type: none"> • Trial commenced on 16 October 2012
Haradinaj <i>et al.</i>	<ul style="list-style-type: none"> • Judgement rendered on 29 November 2012. All accused acquitted. Appeals are still possible.
Karadžić	<ul style="list-style-type: none"> • The Defence case commenced on 16 October 2012
Mladić	<ul style="list-style-type: none"> • Trial commenced on 16 May 2012
Prlić <i>et al.</i>	<ul style="list-style-type: none"> • Closing arguments took place between 7 February and 2 March 2011
Šešelj	<ul style="list-style-type: none"> • The parties presented their closing arguments between 5 and 20 March 2012
Stanišić & Simatović	<ul style="list-style-type: none"> • The Defence case commenced on 15 June 2011
Stanišić & Župljanin	<ul style="list-style-type: none"> • Closing arguments took place from 29 May until 1 June 2012
Tolimir	<ul style="list-style-type: none"> • The judgement is scheduled to be rendered on 12 December 2012

CASES ON APPEAL

Đorđević	<ul style="list-style-type: none"> • The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs
Lukić & Lukić	<ul style="list-style-type: none"> • The trial judgement was pronounced on 20 July 2009 (sentences: Milan Lukić - life imprisonment; Sredoje Lukić - 30 years' imprisonment) • The appeal hearing took place on 14 and 15 September 2011 • The appeal judgement is scheduled to be rendered on 4 December 2012
Perišić	<ul style="list-style-type: none"> • The trial judgement was pronounced on 6 September 2011 (sentence: 27 years' imprisonment) • The appeal hearing took place on 30 October 2012
Popović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 10 June 2010 (sentences: Popović - life imprisonment; Beara - life imprisonment; Nikolić - 35 years' imprisonment; Borovčanin - 17 years' imprisonment; Miletić - 19 years' imprisonment; Gvero - 5 years' imprisonment; Pandurević - 13 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Borovčanin, whose sentence is therefore final
Šainović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 26 February 2009 (sentences: Šainović - 22 years' imprisonment; Ojdanić - 15 years' imprisonment; Pavković - 22 years' imprisonment; Lazarević - 15 years' imprisonment; Lukić - 22 years' imprisonment; Milutinović - acquitted) • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Milutinović, whose acquittal is therefore final

CONTEMPT CASES

Šešelj	<ul style="list-style-type: none"> • Third contempt case - the trial commenced on 12 June 2012. The judgement was rendered on 28 June 2012 (sentence: two years' imprisonment)
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