



## Prosecutor Serge Brammertz on Missions to Sarajevo and Belgrade

As part of preparations for his regular biyearly report to the UN Security Council (UNSC), Prosecutor Serge Brammertz travelled to Bosnia and Herzegovina (BiH) and Serbia to discuss cooperation on war crimes prosecutions with state and judicial authorities of the two countries.

The Prosecutor was in Sarajevo from 12 to 14 May where he met with relevant authorities of BiH, including the BiH Presidency, Goran Salihović, Chief Prosecutor and Meddžida Kreso, President of the BiH Court. During this mission the Prosecutor had the opportunity to attend a meeting of the High Judicial and Prosecutorial Council and provide a brief overview of the trials and appeals outstanding before the ICTY. The Prosecutor also met with the representatives of the international community, including the Head of the OSCE Mission to BiH and the Head of the EU Delegation to BiH and the EU Special Representative in BiH.

As on previous missions, Prosecutor Brammertz met with representatives of victims' associations who expressed their appreciation of the fact that they could voice their concerns in relation to the current situation in war crimes prosecutions both before the ICTY and domestic courts.

On 25 and 26 May Prosecutor Brammertz travelled to Belgrade where he met with Aleksandar Vučić, Prime



Prosecutor Brammertz meeting with representatives of victims' associations in Sarajevo.

Minister of Serbia, Nebojša Stefanović, Minister of Interior, Nikola Selaković, Minister of Justice, Vladimir Vukčević, War Crimes Prosecutor, as well as representatives of the international community. During the talks held at the Ministry of Interior, the Prosecutor commended the Serbian war crimes investigators whose work led to the arrest of eight people suspected of having taken part in the 1995 Srebrenica genocide, which took place in March this year.

Prosecutor Brammertz's report to the UNSC is due in June this year.

## Prosecutor Brammertz meets with students from Zenica University



On 21 May 2015 Prosecutor Serge Brammertz met with a team of students from Zenica University who represented Bosnia and Herzegovina (BiH) in the International Criminal Court (ICC) Moot Court competition.

The team of five law students had the occasion to attend the Prosecutor's lecture on contemporary and future challenges of international criminal justice held in March this year at Sarajevo University and Zenica University. The students were enthusiastic about the possibility to meet with the Prosecutor again in The Hague.

Having attended a presentation on the ICTY and its war crimes prosecution, the students met with the Prosecutor in his office. During their meeting, Prosecutor Brammertz enquired about their University and asked about the moot court competition. *"It was a*

*new experience and we learnt a lot"*, said one student.

Asked about their plans for the future, the students - some of whom are in their third or fourth year of law school and one of whom has finished her degree - replied that they would like to stay in BiH. Prosecutor Brammertz replied by saying: *"Your generation represents a hope for a better future in BiH, so I am happy to hear that you plan to stay in your country."*

## OUTREACH

April-May 2015

### Students attend lectures at Sarajevo Field Office



In April and May, the ICTY Outreach staff at the Sarajevo Field Office hosted and delivered lectures on the Tribunal’s work to a number of visiting students. The first group included 18 Master’s degree students of international law and criminology from the Free University of Amsterdam (Vrije Universiteit Amsterdam). The students expressed a particular interest in ICTY investigations and trials relating to crimes committed in Srebrenica.

On 5 May, the Outreach Office hosted 20 International Relations students from the International University of Sarajevo and organized a presentation about specific cases prosecuted before the ICTY, the concept of individual criminal responsibility and the difference between ethnic cleansing and genocide.

Finally, on 8 May, a group of Social Science students from the University of Louisville, USA, discussed the Tribunal’s work with Outreach staff, including the complexity and duration of trials, ICTY judgments, the regime for the enforcement of sentences and the Tribunal’s role in international and transitional justice.

## IN THE COURTROOMS

8 April 2015

### Appeals Chamber upholds Tolimir’s convictions for genocide and unanimously affirms life sentence



On 8 April 2015, the Appeals Chamber, Judge Theodor Meron presiding, rendered its Appeals Judgement in the case of Zdravko Tolimir, a former Assistant Commander and Chief of the Sector for Intelligence and Security Affairs of the Main Staff of the Army of the Republika Srpska (VRS), charged with crimes committed in the Srebrenica and Žepa enclaves in 1995.

Tolimir was initially indicted in 2005. His trial commenced on 26 February 2010, with the Trial Chamber Judgement delivered on 12 December 2012. On 8 April 2015, the Appeals Chamber confirmed the Trial Chamber’s findings that Tolimir participated in two joint criminal enterprises (JCEs): one to murder the able-bodied men of Srebrenica and one to forcibly remove the Bosnian Muslim population from Srebrenica and Žepa. Based on his participation in those two JCEs, the Appeals Chamber affirmed Tolimir’s convictions for genocide, conspiracy to commit genocide, extermination, murder, persecutions, and inhumane acts (forcible transfer).

The Appeals Chamber further affirmed that Tolimir actively participated in and significantly contributed to these JCEs, which resulted in the mass execution of thousands of Bosnian Muslims in Srebrenica and the forcible displacement of thousands of civilians from these two enclaves.

The Appeals Chamber partly reversed Tolimir’s conviction for genocide by means of (i) causing serious mental harm but only to the extent the conviction was based on the Bosnian Serb operations in Žepa (Judges Sekule and Güney dissenting) and (ii) inflicting conditions of life calculated to destroy the Muslim population of Eastern BiH as a whole. The Appeals Chamber confirmed that the Bosnian Muslims of Žepa were, along with the Muslims of Srebrenica and Eastern BiH, the victims of genocide. The Appeals Chamber also partly reversed Tolimir’s convictions for: (i) genocide, murder and extermination, but only to the extent based on the killings of six Bosnian Muslim men near Trnovo by members of the “Scorpions” unit; and (ii) genocide and extermination, but only to the extent based on the killings of three Žepa leaders after the forcible removal of the enclave’s population. The Appeals Chamber did not disturb the Trial Chamber’s finding that the three killings constituted murders as a war crime and a crime against humanity.

The Appeals Chamber affirmed Tolimir’s sentence of life-imprisonment.

## FACTS & FIGURES

### 161 INDIVIDUALS INDICTED

The Tribunal has indicted a total of **161** individuals, and has already completed proceedings with regard to **147** of them. **18** have been acquitted, **80** sentenced (**18** have been transferred to serve their sentence, **7** are awaiting transfer, **52** have served their term, and **3** died while serving their sentence), and **13** have had their cases transferred to local courts.

<b>147</b>	Total number of accused whose proceedings have been completed.
<b>36</b>	Cases terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).
<b>14</b>	Proceedings are on-going with regard to 14 accused: 4 are currently on trial, and 10 are at the appeals stage.
<b>25</b>	25 individuals were the subject of contempt proceedings before the ICTY.



## KEY FILINGS: APRIL - MAY 2015

### MLADIĆ

24 April 2015	The Defence filed an <a href="#">interlocutory appeal</a> against the Trial Chamber's decision granting it a month to prepare for the reopening of the Prosecution case. The Defence claimed that the impugned decision would affect its ability to prepare adequately.
22 May 2015	The <a href="#">Appeals Chamber denied the Defence's interlocutory appeal</a> in relation to its request for additional time to prepare for the reopening of the Prosecution case. The Appeals Chamber found that the Trial Chamber did not demonstrate any discernible error in deciding that the trial would be adjourned until 22 June.

### HADŽIĆ

13 April 2015	The Appeals Chamber ordered the <a href="#">provisional release</a> of Goran Hadžić, and listed the conditions that needed to be met during his provisional release.
20 April 2015	The Deputy Registrar filed publicly <a href="#">expert medical reports</a> , following the Trial Chamber's instruction to reclassify them. The expert reports were filed confidentially on 13 February.
28 April 2015	After his return to The Hague in early May, the Accused filed a new <a href="#">motion</a> asking to be granted provisional release until the end of his scheduled chemotherapy (sometime in August 2015).
21 May 2015	The Trial Chamber granted in part the Defence's <a href="#">urgent motion</a> for provisional release, filed on 28 April, and ordered the Accused's release for a second time under a number of specific conditions. The Trial Chamber also decided that the Accused is to be transferred to Serbia as soon as practicable and that his provisional release will be extended until the Chamber's decision on the Accused's fitness to stand trial. The Chamber stayed the provisional release pending an appeal by the Prosecution.
22 May 2015	The Prosecution filed a <a href="#">notice</a> informing the Chamber and the Defence that it will not appeal the latest decision granting the provisional release of Goran Hadžić.

### ŠEŠELJ

14 April 2015	The Prosecution filed a <a href="#">motion</a> before the Appeals Chamber seeking enforcement of the revocation of Šešelj's provisional release, pursuant to the Appeals Chamber's order of 30 March 2015. The OTP claimed that there was no justification for the delay in the implementation of the decision.
14 April 2015	ICTY President Meron assigned <a href="#">Judge Delvoie to replace Judge Sekule</a> on the Appeals Chamber bench which will consider the motion on Šešelj's provisional release.
16 April 2015	Šešelj filed an "objection" requesting the Trial Chamber to <a href="#">initiate disciplinary proceedings against ICTY Prosecutor Brammertz</a> . Šešelj claimed in his objection that the Prosecutor had obstructed justice and requested that he be relieved from his duties by the Security Council and disqualified from the proceedings in this case.
28 April 2015	The Trial Chamber denied the <a href="#">Accused's motion</a> for disciplinary proceedings against ICTY Prosecutor Brammertz. The Chamber declared itself not competent to consider the motion and cautioned the Accused to refrain from filing such motions. Additionally, the Chamber warned that any such act would be considered as abuse of proceedings and would not be tolerated.
30 April 2015	<a href="#">Šešelj submitted his response</a> to the Prosecution's urgent motion for enforcement of the Appeals Chamber's decision to revoke his provisional release. Šešelj claimed that he could not have violated any conditions because there were no conditions imposed when he was released.

### POPOVIĆ ET AL.

10 April 2015	A <a href="#">public redacted version of MICT President Meron's decision</a> was filed announcing the early release of Vinko Pandurević, effective immediately. As stated in the decision, Pandurević has completed more than two-thirds of his sentence and has demonstrated signs of rehabilitation.
---------------	--

### STANIŠIĆ & ŽUPLJANIN

22 April 2015	ICTY President Meron assigned <a href="#">Judges Flügge, Pocar and Liu to replace Judges Ramaroson, Khan and Tuzmukhamedov</a> on the Appeals Chamber bench in the Stanišić & Župljanin case. The new Appeals Chamber in this case therefore consists of Judges Agius, Flügge, Pocar, Liu and Afande.
19 May 2015	The Trial Chamber judgement in the case of Stanišić & Župljanin was filed in French. <a href="#">Part 1 - Part 2 - Part 3</a>

### ŠAINOVIĆ ET AL.

7 May 2015	The <a href="#">BCS translation of the Appeals Judgement</a> in the Šainović <i>et al.</i> case was filed.
------------	--

### PRLIĆ ET AL.

14 May 2015	The Appeals Chamber filed publicly its <a href="#">redacted confidential decision</a> of March 2015, denying the Defence's motion for the provisional release of Valentin Ćorić. The Chamber found that the appellant failed to establish the existence of special circumstances warranting the release.
-------------	--



## STATUS OF CASES

### CASES AT TRIAL

Hadžić	<p>Trial proceedings are in the defence phase, but have been adjourned since October 2014 due to the poor health of the Accused. Trial started on 16 October 2012. Prosecution concluded its case on 28 November 2013. Defence case began on 3 July 2014. To date, 11 defence witnesses have been heard. Goran Hadžić was granted provisional release in April 2015 and, again, on 21 May 2015.</p>
Karadžić	<p>The evidentiary phase of the trial is closed. Trial started on 26 October 2009. Prosecution case officially closed on 25 May 2012. Defence case started on 16 October 2012 and closed on 1 May 2014. Closing Arguments took place from 29 September to 7 October 2014. Trial Judgement is expected in October 2015.</p>
Mladić	<p>The evidentiary phase of the trial is ongoing, with the Defence presenting its case. Trial started on 16 May 2012. Prosecution rested its case on 26 February 2014. Defence case commenced on 19 May last year and so far 166 witnesses have been heard. Trial adjourned on 22 May to allow the Defence to prepare for the reopening of the Prosecution's case. Trial will resume on 22 June. Trial Judgement is expected in March 2017, with a possibility of a delay due to the reopening of the Prosecution case.</p>
Šešelj	<p>The evidentiary phase of the trial is closed. Trial started on 7 November 2007. Prosecution case was completed on 13 January 2010. There was no Defence case. Newly-appointed Judge Niang is currently familiarising himself with the case, and indicated that he would need at least until June 2015 to become fully familiar with the case records. On 6 November 2014, the Chamber ordered the provisional release of Šešelj on health grounds. Following the Prosecution's appeal, on 30 March 2015, the Appeals Chamber ordered the Trial Chamber to revoke Šešelj's provisional release and order his return to the UN Detention Unit. The Trial Judgement date is yet to be determined.</p>

### CASES ON APPEAL

Prlić <i>et al.</i>	<p>All Accused filed their appeals against the Trial Chamber Judgement which was rendered on 29 May 2013. The last Status Conference took place on 12 May 2015. Appeals Judgement is expected in mid-2017.</p>
Stanišić & Simatović	<p>The Prosecution filed a public redacted version of its appeal brief in September 2013, requesting the overturning of the judgement of acquittal for both Accused. Appeals Judgement is expected in 2015.</p>
Stanišić & Župljanin	<p>The last Status Conference in this case took place on 9 March 2015. The next Status Conference is scheduled on 30 June 2015. Appeals Hearing is expected to take place later this year. Appeals Judgement is expected to be rendered next year.</p>

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.