



## ICTY PRINCIPALS

11 July 2015

# 20<sup>th</sup> anniversary of Srebrenica genocide commemorated in Potočari

On Saturday 11 July, tens of thousands of people made the journey to the Srebrenica-Potočari Memorial Centre in Bosnia and Herzegovina to commemorate the 20<sup>th</sup> anniversary of the Srebrenica genocide.

Commemorators, who arrived by bus, car and foot, took the path of those who fled the attacks in July 1995 to reach the memorial centre. They paid their respects to the remains of 136 recently discovered Srebrenica victims who were laid to rest during the ceremony at the memorial centre.

Joining the mourners were former US President Bill Clinton, who brokered the Dayton Peace Agreement that ended the war in 1995, UN Deputy Secretary-General Jan Eliasson, Turkish Prime Minister Ahmet Davutoğlu, Britain's Princess Anne and the Croatian and Slovenian Presidents, Kolinda Grabar-Kitarović and Borut Pahor. Clinton expressed his regret that the peace agreement was signed after more than three years of war, saying, *"I grieve that it took us so long. I never want to see another killing field like this."*

ICTY President Judge Theodor Meron and ICTY Prosecutor Serge Brammertz delivered remarks at the commemoration as well. In his speech, President Meron quoted from the ICTY's appeal judgement in the case of Radislav Krstić - the first ICTY judgement to recognise the crimes committed at Srebrenica as genocide. *"This is a crime against all of humankind,"* he said. *"Its harm being felt not only by the group targeted for destruction, but by all of humanity."* The President emphasised that this judgement, along with scores of others rendered by the ICTY, is a testament to the international community's



ICTY/MICT President Theodor Meron



ICTY Prosecutor Serge Brammertz

commitment to accountability and the rule of law. He went on to commend the contributions of community members who, despite having been deeply impacted by the genocide, have worked tirelessly to help others move forward, while ensuring that the past is never forgotten.

Prosecutor Brammertz discussed the facts that have been proved by the Office of the Prosecutor, the importance of the victims to the justice process, and the need for continued attention and support to national prosecutions, support to victims, and the search for missing persons. Prosecutor Brammertz concluded his address in Potočari by speaking about reconciliation. He remarked that *"accepting the truth is the first step to reconciliation,"* and added, *"When there is ignorance, we must respond with education. And when there is denial, we must respond with affirmation."*

Thousands gather at the Srebrenica-Potočari Memorial Centre in Bosnia and Herzegovina on 11 July 2015.



## OFFICE OF THE PROSECUTOR

11 July 2015

### Article 'Women, War and the Reflections on Srebrenica' published in the international media



Prosecutor Serge Brammertz and Michelle Jarvis, Principal Legal Counsel in the Office of the Prosecutor, published an [article](#) in the international media where they reflected on the harms women suffer in war, focusing on the women of Srebrenica.

They noted that Srebrenica is “a dramatic example of how gender influences the experiences of war victims. As the Bosnian Serb forces advanced on Srebrenica in July 1995, most of the Bosnian Muslim men and boys were rounded up, imprisoned in appalling conditions, and thousands were executed en masse in the course of just a few days. The Bosnian Muslim women and girls suffered a different fate. Up to 30,000 were terrorized, separated from their male family members, forced onto overcrowded buses, and expelled from their homes and communities. While the women survived - and the men did not -

they were consigned to a myriad of devastating consequences as they sought to reestablish their lives and to repair their broken families and communities: the reality of being displaced and trying to return home; the struggle to meet basic needs for themselves and their surviving children; dealing with the psychological trauma of the genocide; and their protracted search for still-missing family members - wives searching for husbands, mothers searching for sons, sisters searching for brothers. These heartbreaking facts - recorded in the testimonies of witnesses brought before the ICTY - remain an all-too-often overlooked part of the Srebrenica atrocity.”

They also emphasised the important fact confirmed by the ICTY’s Appeals Chamber that “it was the killings in combination with the expulsions that proved intent to destroy the targeted Bosnian Muslim community, resulting in the judicial determination of genocide. Without evidence about the impact of the Srebrenica crimes on the women and girls, there would have been no ICTY acknowledgement that the Srebrenica atrocities had indeed shattered the foundations of the targeted Bosnian Muslim community.”

## OFFICE OF THE PROSECUTOR

1 July 2015

### Prosecutor Brammertz speaks at UN Srebrenica Commemoration



A commemoration for Srebrenica entitled ‘Srebrenica: Remembering and honouring the victims of the genocide’ was held at the United Nations in New York on 1 July 2015. The event was organised by 17 member states. At the invitation of H.E. Mirsada Čolaković, the Permanent Representative of Bosnia and Herzegovina to the UN, the ICTY Prosecutor Serge Brammertz made a keynote statement at the commemoration.

The list of keynote speakers also included UN Secretary-General Ban Ki-moon, President of the UN General Assembly Sam Kahamba Kutesa, Adisada Dudić, who as a child fled her home near Srebrenica, Ambassador Samantha Power, U.S. Permanent Representative to the UN, Ambassador Matthew Rycroft, UK Permanent Representative to the UN and Rabi Arthur Schneier, founder of the The Appeal of Conscience Foundation.

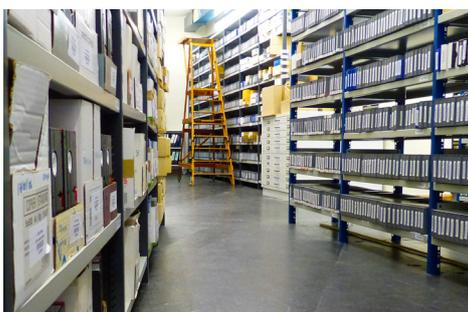
Prosecutor Brammertz underscored, “To respect the past, we must call Srebrenica by its name, genocide. To build the future, we must speak out with one voice when it is denied.” He further noted that “20 years ago, there was only a hope for justice. Today, it is increasingly a reality.”

The Prosecutor concluded by saying: “We have it in our power to show every single victim of the conflicts that justice can be done. More than the words we offer today, that would be a truly fitting tribute to the victims of Srebrenica and other crimes in the former Yugoslavia.”

## OFFICE OF THE REGISTRAR

1 July 2015

### Transfer of all closed cases’ records from ICTY to MICT finalised



The comprehensive transfer of physical judicial records of all closed cases, from the ICTY into the custody of the Mechanism for International Criminal Tribunals (MICT), has been completed. The materials transferred include exhibits, filings, transcripts and audio-visual tapes of judicial proceedings.

This transfer is part of the MICT’s progressive assumption of a number of core ICTY functions. The handover of all completed cases of the ICTY’s physical judicial records, with the digital records to follow at a later date, to the Mechanism was completed successfully and timely. Ongoing ICTY cases will remain in the custody of the ICTY until their completion, when they too will be transferred. The Mechanism will continue to preserve the records in accordance with the highest international standards, whilst safeguarding their confidentiality.



## STATUS OF CASES

### CASES AT TRIAL

<b>Hadžić</b>	<p>Trial proceedings are in the defence phase, but have been adjourned since October 2014 due to the poor health of the Accused.</p> <p>On 16 October 2012, the trial began.</p> <p>The Prosecution concluded its case on 28 November 2013.</p> <p>On 3 July 2014, the Defence case began.</p> <p>To date, 11 Defence witnesses have been heard.</p> <p>The Accused was granted provisional release in April 2015 and, again, on 21 May 2015.</p> <p>On 29 July 2015, the Chamber held a hearing to discuss the Accused's health.</p>
<b>Karadžić</b>	<p>The evidentiary phase of the trial is closed.</p> <p>On 26 October 2009, the trial began.</p> <p>The Prosecution case officially closed on 25 May 2012.</p> <p>The Defence case started on 16 October 2012 and closed on 1 May 2014.</p> <p>Closing arguments took place from 29 September to 7 October 2014.</p> <p>Trial Judgement is expected in December 2015.</p>
<b>Mladić</b>	<p>The evidentiary phase of the trial is ongoing, with the Defence presenting its case.</p> <p>On 16 May 2012, the trial began.</p> <p>The Prosecution rested its case on 26 February 2014. Defence commenced its case on 19 May last year. So far, 170 Defence witnesses have been heard.</p> <p>Trial Judgement is expected in November 2017.</p>
<b>Šešelj</b>	<p>The evidentiary phase of the trial is closed.</p> <p>On 7 November 2007, the trial began.</p> <p>The Prosecution case was completed on 13 January 2010.</p> <p>There was no Defence case.</p> <p>Newly appointed Judge Niang is currently familiarising himself with the case, and indicated that he would need until at least June 2015 to become fully familiar with the case records.</p> <p>On 6 November 2014, the Chamber ordered the provisional release of Šešelj due to his poor health.</p> <p>On 30 March 2015, following the Prosecution's appeal, the Appeals Chamber ordered the Trial Chamber to revoke Šešelj's provisional release and order his return to the UN Detention Unit.</p> <p>The Trial Judgement date is yet to be determined, but it is estimated that it will be rendered in the last quarter of this year.</p>

### CASES ON APPEAL

<b>Prlić <i>et al.</i></b>	<p>All parties filed their appeals against the Trial Chamber Judgement, which was rendered on 29 May 2013.</p> <p>The next Status Conference is scheduled for 2 September 2015.</p> <p>Appeals Judgement is expected in November 2017.</p>
<b>Stanišić &amp; Simatović</b>	<p>The Prosecution filed a public redacted version of its appeal brief in September 2013, requesting that the judgement of acquittal for both Accused be overturned. The Appeals Hearing took place on 6 July this year.</p> <p>Appeals Judgement is expected in December 2015.</p>
<b>Stanišić &amp; Župljanin</b>	<p>The last Status Conference in this case took place on 30 June 2015.</p> <p>Appeals Hearing is expected to take place later this year.</p> <p>Appeals Judgement is expected to be rendered in June 2016.</p>

## FACTS & FIGURES

<b>161 INDIVIDUALS INDICTED</b>	<b>147</b>	Total number of accused whose proceedings have been completed.
The Tribunal has indicted a total of <b>161</b> individuals, and has already completed proceedings with regard to <b>147</b> of them. <b>18</b> have been acquitted, <b>80</b> sentenced ( <b>18</b> have been transferred to serve their sentence, <b>7</b> are awaiting transfer, <b>52</b> have served their term, and <b>3</b> died while serving their sentence), and <b>13</b> have had their cases transferred to local courts.	<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: JULY 2015

### HADŽIĆ

2 July 2015	The ICTY Prosecution filed its <a href="#">response</a> (public redacted version) to the Defence's motion to terminate (or stay) the proceedings in this case due to the Accused's health and life prognosis. The Prosecution opposed the motion, claiming that it is premature and unsupported by the Tribunal's practice.
3 July 2015	The Defence filed its <a href="#">response</a> to the Prosecution's latest motion to proceed with the trial, filed on 19 June. Elaborating its arguments in detail, the Defence claimed the motion should be rejected as it is premature, "ill-advised" and it would violate the Accused's rights.

### Milan LUKIĆ

7 July 2015	The MICT Appeals Chamber, consisting of Judges Meron (Presiding), Antonetti, Sekule, Agius and Daqun, <a href="#">dismissed the motion</a> by Milan Lukić for review of the judgement. Lukić claimed that his convictions should be reviewed in light of new evidence. However, the Appeals Chamber found that Lukić failed to show any new facts that would merit review. Judge Antonetti dissented on this decision.
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### KARADŽIĆ

9 July 2015	The ICTY Trial Chamber denied the <a href="#">Accused's 9<sup>th</sup> motion</a> to reopen his case. Karadžić sought leave to reopen his case in order to admit a statement by Radomir Bjelanović, which allegedly refuted the existence of a joint criminal enterprise to expel Bosnian Muslims from BiH. The Chamber concluded that the statement had minimal probative value at this advanced stage of the proceedings. The Chamber denied the <a href="#">Accused's 10<sup>th</sup> motion</a> to reopen his case in order to admit evidence from Drago Nikolić (Popović <i>et al.</i> case). The Chamber was not satisfied that the Accused exercised all reasonable diligence to obtain Drago Nikolić's evidence before the presentation of this case ended.
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### Sreten LUKIĆ

8 July 2015	The MICT Appeals Chamber <a href="#">dismissed the motion</a> for review of the judgement filed by Sreten Lukić, from the Šainović <i>et al.</i> case. In his motion, filed confidentially in January this year, Lukić claimed that his convictions and sentence should be reviewed due to "new facts, evidence and jurisprudence". The Chamber found that Lukić's arguments do not amount to the new facts that would be required for the purposes of review under Rule 146 of the Rules.
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### PRLIĆ *et al.*

8 July 2015	Following the earlier decision that all the appeal briefs in Prlić <i>et al.</i> case be made confidential, <a href="#">Judge Meron directed all the parties</a> in this case to re-file public redacted versions of their appeal briefs within 21 days from this date. Prior to that, they are to make all necessary redactions to the briefs.
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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.