

[23 October](#)

**President Pocar  
meets Legal  
Advisers of UN  
Member States**

ICTY President Fausto Pocar is in New York to attend the Informal Meeting of Legal Advisers of Ministries of Foreign Affairs. Judge Pocar has been invited to share his knowledge as President of the ICTY and to brief the Legal Advisers on the ongoing work of the International Criminal Tribunals.

*The Informal Meeting took place on the opening day of the International Law week.*

[25 October](#)

**Additional  
charges  
against Kosovo  
former Prime  
Minister**

Trial Chamber II issues a Decision granting a Prosecutor's Motion to amend the indictment against Ramush Haradinaj, former senior commander of the Kosovo Liberation Army (KLA) and former Prime Minister of Kosovo, and Idriz Balaj and Lahi Brahimaj, former members of the KLA. As the amendments constitute new charges, the accused will have to enter new pleas. Their further initial appearance will be scheduled in due course, either in December 2006 or in January 2007.

*More details can be found in the following press release, issued on 26 October: OK/MO/1125e at <http://www.un.org/icty/latest-e/index.htm>*

[25 October](#)

**Gotovina,  
Čermak and  
Markač  
to be tried jointly**

The Appeals Chamber confirms the Trial Chamber's decision of 14 July 2006 to join the two cases involving Ante Gotovina and Ivan Čermak/Mladen Markač in one indictment. The three accused are charged with crimes allegedly committed against Serbs in 1995, during and in the aftermath of the Croatian military offensive known as "Operation Storm", conducted in the Krajina region of Croatia. At the time, Ante Gotovina and Ivan Čermak were senior military commanders on the ground, while Mladen Markač was the commander of Croatian Special Police.

*More details can be found in the following press release, issued on 26 October: OK/MO/1124e at <http://www.un.org/icty/latest-e/index.htm>*

[25 October,](#)  
[30 October,](#)  
[1 November and](#)  
[3 November](#)

**Šešelj case:  
trial postponed,  
and  
standby counsels  
appointed**

An Order issued by Trial Chamber I on Wednesday 25 October reads that the trial of Vojislav Šešelj, scheduled to commence on 2 November, will not commence before standby counsel has been appointed to the accused, and before the latter's preparedness "to begin to defend himself" has been ascertained at a Status Conference to take place on 1 November.

*This Order was made following the Appeals Chamber Decision of 20 October, which, reversing the Trial Chamber Decision to impose counsel on Vojislav Šešelj, restored the latter's self-representing status.*

Following this Order, Deputy Registrar John Hocking, on Monday 30 October, appoints David Hooper, a barrister from London, and Andreas O'Shea, a Barrister from England and Law Professor in South Africa, as stand-by counsel and co-counsel, respectively.

At the Status Conference of 1 November, the Trial Chamber orders the removal from the courtroom of the accused as his conduct is "disruptive," and schedules another Status Conference two days later to assess the accused's preparedness to commence the trial.

On 3 November various matters are discussed and yet one more Status Conference is convened for Wednesday 8 November, at 2:15pm, in courtroom 2.

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[26 October](#)

**Prosecution seeks life sentence for Krajišnik**

In its Notice of Appeal against the 27 September Judgement against Momčilo Krajišnik, who was sentenced to 27 years' imprisonment, the Prosecution argues that the sentence is "manifestly inadequate" and asks that Momčilo Krajišnik be sentenced to life imprisonment.

*On the same day, the Pre-Appeal Judge orders Momčilo Krajišnik to file his notice of appeal "no later than 30 days after the assignment of counsel to him."*

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[31 October](#)

**Mlađo Radić's conviction and sentence to 20 years will not be reviewed**

The Appeals Chamber issues a Decision "dismissing the Defence request for review in its entirety." It considered that the witnesses' statements on which the Defence's request was based "did not qualify as new facts." Particularly significant is paragraph 22 of the Decision, where the Appeals Chamber elaborates on the distinction between a "new fact" (Rule 119) and "additional evidence" (Rule 115), also discussed in a Declaration attached by Judge Shahabuddeen.

*A shift leader at the Omarska Camp, Mlađo Radić was found guilty of persecutions (as a crime against humanity) and torture (as a war crime) for many crimes including rape, sexual assaults and other forms of sexual violence. He was sentenced on 2 November 2001 by a Trial Chamber to 20 years' imprisonment; the conviction and sentence were subsequently upheld by the Appeals Chamber on 28 February 2005. On 15 September 2005, Mlađo Radić was transferred to France to serve the remainder of his sentence.*

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[1 November](#)

**Contempt trial of Margetić on 30 November**

It will start at 9am, in courtroom 2.

*A freelance journalist from Croatia, Domagoj Margetić was indicted on 11 September for contempt of the Tribunal after publishing the names of protected witnesses in the Blaškić case on his internet site between 7 July 2006 and 2 August 2006. At his initial appearance on 13 October, the accused entered a plea of not guilty.*

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[2 November](#)

**B. Simić: appeals Judgement on 28 November**

The hearing will start at 9am in courtroom 1. One of the three accused in the Bosanski Šamac case, Blagoje Simić on 17 October 2003 was found guilty on one count of crimes against humanity (persecutions) and was convicted to 17 years' imprisonment. The appeals hearing took place on 2 June 2006.

*His two co-accused, Miroslav Tadić and Simo Zarić, were also found guilty and convicted to eight and six years, respectively. Both have in the meantime served their sentence.*

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## UPCOMING RECESSES

The President of the Tribunal, Judge Fausto Pocar, has decided that the 2006 winter recess will commence on Monday 18 December 2006 and will finish on Friday 5 January 2007. The 2007 summer recess will begin on Monday 30 July 2007 and will end on Sunday 19 August 2007.

## 185 WITNESSES HEARD SINCE AUGUST!

Addressing on 9 October the UN General Assembly to present the ICTY Annual Report for the period 1 August 2005-31 July 2006, President Fausto Pocar pointed out that "the Tribunal pressed on full-speed ahead (...) resulting in a very productive period in the Tribunal's history." He also stressed that the Tribunal had "pushed forward a number of innovative reforms and adopted concrete measures to increase the efficient disposal of trials and appeals," adding that "at one point this year, the Tribunal was able to try, for the first time in its history, an unprecedented number of 25 accused in six trials simultaneously."

This successful effort to speed up proceedings has resulted in the Witnesses and Victims Section (VWS) handling over the past three months no less than 185 witnesses.

In August (while the trials resumed in a staggered manner as of 7 August), 44 witnesses, both for the Prosecution and the Defence, either gave testimony in court or were brought to The Hague for preparing their upcoming testimony. As the witnesses stayed an average of seven days, VWS recorded then the highest ever number of witnesses' days in a summer month: 320.

This number was surpassed in September, when 425 witnesses' days were recorded, following the travel to the ICTY of 72 witnesses. This represented the highest number of witnesses in one single month since July 2002 (74 witnesses).

In October, 69 witnesses came to the Tribunal, of which 58 gave testimony in court.

To date, some 4,500 witnesses have testified during ICTY proceedings. Their bravery cannot be stressed enough: the witnesses are the unsung heroes of international justice.

### **ICTY PROCEEDINGS COMPLETED WITH REGARD TO 97 ACCUSED -- OUT OF 161**

**Since the very first hearing (referral 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 97 of them: five have been acquitted, 45 sentenced (six are awaiting transfer, 23 have been transferred, 15 have served their term, and one died while serving his sentence), 11 have had their cases transferred to local courts. Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).**

**Proceedings are on-going with regard to 64 accused: 15 are at the appeals stage, 23 are currently on trial, 20 are on pre-trial and six are still at large.**

*The figure of the accused at the appeals stage does include Sefer Halilović, Fatmir Limaj and Isak Musliu (who have been acquitted and released but against whom an appeal by the Office of the Prosecutor is running), as well as Tihomir Blaškić, Amir Kubura and Naser Orić: those three accused have been sentenced and granted early release (Blaškić and Kubura) or release (Orić) but the OTP has filed a revision request (Blaškić) or appealed against the Trial Chamber's Judgements (Kubura and Orić).*

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