



Monday 17 September 2007

Highlights of 03/09/2007 through 14/09/2007 - Nr. 21

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ICTY lobby houses two busy offices

The Association of Defence Counsel (ADC), headed by Marie O'Leary, has recently moved its administrative offices to the Tribunal's lobby area. You can check out the ADC website at: www.adcicty.org

Next door to the ADC is a small office where two staff from the Humanitarian Law Centre in Belgrade, Elsana Nurkovic and Nenad Golcevski, are working on an ambitious archiving project. For the past two years, they have been part of an effort by the non-governmental organisation to create a comprehensive (BCS) archive of audio-video footage and documents of proceedings before the Tribunal. Material that has been produced so far can be viewed on their website at: www.hlc-rdc.org/english/Hague_Tribunal/index.php

[6 September](#)

President, Prosecutor and Registrar meet with Corps Diplomatique in Brussels

At the invitation of the Organisation Internationale de la Francophonie (OIF), President Pocar, Prosecutor Del Ponte and Registrar Holthuis present to some 65 diplomatic representatives the work and the achievements of the Tribunal at the Maison ACP in Brussels. After a lively exchange of ideas on the general theme of international justice, President Fausto Pocar places the ICTY's role in between Nuremberg and the ICC, and underlines the innovative role played by the Tribunal in the development of international humanitarian law. Prosecutor Del Ponte addresses the question of whether the Tribunal has succeeded or not in fulfilling its objectives. Finally, Registrar Hans Holthuis takes stock of the expectations of the international community and the Tribunal.

The text of the speeches delivered by the President, the Prosecutor and the Registrar (in French) are attached to the message transmitting this issue of The ICTY Digest.

[7 September](#)

Delić case: Trial Chamber holds a hearing in Sarajevo

The Trial Chamber in the Rasim Delić case is holding an evidentiary hearing in Sarajevo. The hearing, which is entirely under the authority of the Tribunal, is the very first to be conducted away from The Hague and is taking place at the premises of the Court of Bosnia and Herzegovina. The proceedings involve testimony from witness Ali Ahmed Ali Hamad, currently in prison in Bosnia and Herzegovina, in the presence of the accused Delić.

The following press advisory was issued: MH/MOW/PA316e at <http://www.un.org/icty/latest-e/index.htm>

[11 September](#)

Appeals Chamber sets standards for Tribunal's legal aid to self-represented accused

In its "Decision on Krajišnik Request and on Prosecution Motion", the Appeals Chamber sets standards for the legal aid to self-representing accused. In paragraphs 40 and 41, the Appeals Chamber finds that "an accused who chooses to self-represent is not entitled to legal assistance. Hence he is not entitled ... to have legal assistance paid for by the Tribunal. ... To allow an accused to self-represent and yet also receive full legal aid funding from the Tribunal would, as the saying goes, let him have his cake and eat it too."

However, in paragraph 42, the Appeals Chamber states that "to the extent that the Registry requires or encourages indigent self-representing accused to coordinate their defences through designated legal associates, it is appropriate for the Tribunal to provide some funding for such associates. Such funding should not be comparable to that paid to counsel for represented accused (particularly since such work as the drafting of written filings should be considered the responsibility of the self-represented accused) but nonetheless should adequately reimburse the legal associates for their coordinating work and for related legal consultation."

The full, authoritative text of the Appeals Chamber's Decision is available on the Tribunal's website at: <http://www.un.org/icty/cases-e/index-e.htm> (Krajišnik case)

[12 September](#)

Richard Gere promotes the ICTY (and vice-versa)

In an extract shown on CNN, Richard Roth reports on the movie "The Hunting Party" featuring Richard Gere, who plays the role of "a war journalist who tries to track down an infamous war criminal in Eastern Europe" (read: Radovan Karadžić). Roth's clip, which includes a short appearance by Deputy Prosecutor David Tolbert, ends by pointing out that "the Yugoslav Tribunal [sic] has achieved more success than given credit for."

The extract can be viewed via the link: <http://edition.cnn.com/video/-/video/showbiz/2007/09/13/roth.gere.war.criminals>

[13 September](#)

Limaj *et al.* case: appeals judgement on 27 September ...

... at 12 p.m. in courtroom 1. Involving the accused Fatmir Limaj, Isak Musliu and Haradin Bala, the Limaj *et al.* case refers to the Lapušnik Camp, a prison camp run by the Kosovo Liberation Army (KLA) where Serbian civilians were illegally imprisoned for prolonged periods of time under inhumane conditions, and routinely subjected to assaults, beatings and torture. The three accused in this case stood trial between 15 November 2004 and 1 September 2005.

In its Judgement of 30 November 2005, the Trial Chamber acquitted Fatmir Limaj and Isak Musliu, allegedly Commander of the Lapušnik area and Commander of the camp, respectively. Haradin Bala, a guard at the Lapušnik camp, was found guilty of torture, cruel treatment and murder; he was sentenced to 13 years' imprisonment. The appeals hearings were held on 5 and 6 June 2007.

[13 September](#)

D. Milošević: closing arguments moved forward

The hearings in which the parties will present their closing arguments will be held on Tuesday 9 October and Wednesday 10 October.

The initial dates were 10 and 11 October.

[14 September](#)

Security Council extends Carla Del Ponte's mandate

In Resolution 1775 issued today, the Security Council considers "the request of the Secretary-General to extend the appointment of Ms. Del Ponte from 15 September 2007 to 31 December 2007" and notes "the need to ensure a smooth transition between the departure of Ms. Carla Del Ponte and the assumption of office of her successor".

The successor to Carla Del Ponte, however, has not been appointed yet.

ICTY PROCEEDINGS COMPLETED WITH REGARD TO 105 ACCUSED

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 105 of them: five have been acquitted, 51 sentenced (seven are awaiting transfer, 26 have been transferred, 16 have served their term, and two died while serving their sentence), 13 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 56 accused: 11 are at the appeals stage, three are awaiting judgement by a Trial Chamber, 26 are currently on trial, 12 are at pre-trial and four are still at large.

The figure of the accused at the appeals stage includes Sefer Halilović, Fatmir Limaj and Isak Musliu (who have been acquitted and released but in whose case the Office of the Prosecutor has filed an appeal), as well as Amir Kubura and Naser Orić. These two accused have been sentenced and granted early release (Kubura) and release (Orić), but the OTP has appealed against the Trial Chamber's Judgements.

A further 20 individuals have also been the subject of contempt proceedings.

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