



United Nations



International Criminal Tribunal for the former Yugoslavia

The ICTY Digest

Monday 3 March 2008

Highlights of 11/02/2008 through 29/02/2008 - Nr. 31

11 February

Estonia signs 14th Enforcement Agreement

Registrar Hans Holthuis signs with Estonia the fourteenth (14th) Agreement on the Enforcement of Sentences, allowing for persons convicted before the Tribunal to serve their sentence in prisons within Estonia.

The following press release was issued: NJ/MOW/1215e at <http://www.un.org/icty/latest-e/index.htm>

20 February and 3 March

Three additional ad litem Judges appointed after Security Council passes Resolution 1800

On 20 February, the Security Council passes Resolution 1800 authorizing the United Nations Secretary-General Ban Ki-moon to appoint up to four additional *ad litem* judges to the ICTY. The Council members unanimously endorsed the proposal of President Pocar to appoint extra judges on top of the 12 *ad litem* judges authorized thus far. This means that up to 16 *ad litem* judges could serve on the ICTY at any time.

On 3 March, three of the four possible additional *ad litem* judges were sworn in: Judge Pedro R. David (Argentina), Judge Michèle Picard (France) and Judge Elizabeth Gwaunza (Zimbabwe). Their arrival will enable the ICTY to start two new trials this month and to increase its efficiency by bringing the number of concurrent trials to an all-time high of eight.

Judges David and Picard will serve on the Jovica Stanišić and Franko Simatović case, while Judge Gwaunza will sit on the Gotovina et al. case. Both trials are scheduled to start on Monday 10 March.

20 and 22 February

Prlić et al. trial: no judgement of acquittal; provisional release of five accused stayed

On 20 February, the Trial Chamber delivers its Rule 98bis Judgement, dismissing the motions for acquittal filed by Valentin Ćorić and Berislav Pušić.

The four other accused in this case, Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, did not submit Rule 98bis applications.

Rule 98bis provides that, after the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charge(s), it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of defence evidence.

On 22 February, the Appeals Chamber admits an appeal by the Prosecution to suspend the provisional releases granted on 18 February to Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, and Valentin Ćorić by the Trial Chamber.

The Trial Chamber had granted the five accused provisional release until 4 May, eve of the commencement of the Defence case.

26 February

ICTY mourns former Judge

Per-Johan Viktor Lindholm, from Finland, died at the age of 69. Appointed as *ad litem* Judge on 10 April 2002, he left the Tribunal on 17 October 2003, following his resignation on ill-health grounds.

The funeral service for the late Judge Lindholm was held last Friday in Helsinki.

26 February

Delić trial: Defence starts on 4 March with no rape charge to answer

The Trial Chamber renders its Rule 98bis Decision, deciding that Rasim Delić has no case to answer on Count 3 of the indictment charging him with the failure to prevent and/or punish rapes allegedly committed by subordinates in the Kamenica Camp.

Following the Rule 98bis Decision hearing, the parties held a pre-Defence conference at the end of which it was announced that the Defence's first witness will be called on Tuesday, 4 March.

[27 February](#)

Dragan Zelenović transferred

Dragan Zelenović, a former Bosnian Serb soldier, is transferred to Belgium to serve his sentence of fifteen (15) years' imprisonment for torture and rape of women and girls in the town of Foča in Bosnia and Herzegovina during 1992. It is the first time that Belgium, which signed an Enforcement Agreement with the Tribunal last year, hosts an ICTY convict in one its detention facilities.

The transfer of Dragan Zelenović brings to twenty-eight (28) the number of persons definitively convicted who are serving their sentence. It also reduces to six (6) the number of persons definitively convicted awaiting their transfer.

The following press release was issued: JP/MOW/1219e at <http://www.un.org/icty/latest-e/index.htm>

[28 February](#)

Prosecutor in Croatia

Prosecutor Serge Brammertz visits Zagreb on Thursday and Friday. He will travel to Sarajevo for two days on 6 and 7 March.

No date has been set yet for the Prosecutor's first visit to Belgrade.

[28 February](#)

Mitar Rašević and Savo Todović sentenced in Sarajevo

Transferred in October 2006 from the ICTY to the State Court of Bosnia and Herzegovina (BiH), Mitar Rašević and Savo Todović are convicted of crimes against humanity committed in 1992 at the Foča KP Dom prison. They are sentenced to eight and half (8,5) and twelve and a half (12,5) years imprisonment respectively.

Mitar Rašević and Savo Todović are the third and fourth individuals initially indicted by the ICTY but eventually judged in Sarajevo pursuant to the referral mechanism of Rule 11bis. Earlier, two other accused of crimes in Foča had been definitively convicted by the Appellate Panel of the BiH State Court: Radovan Stanković to twenty (20) years (but he escaped and the ICTY is concerned about the failure of the authorities to remedy this situation) and Gojko Janković to thirty-four (34) years.

ICTY PROCEEDINGS COMPLETED WITH REGARD TO 111 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 111 of them: nine have been acquitted, 53 sentenced (six are awaiting transfer, 28 have been transferred, 17 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 50 accused: nine are at the appeals stage, 3 are awaiting the Judgement of a Trial Chamber, 23 are currently on trial, 11 are at the pre-trial stage, and four are still at large.

The figure of the accused at the appeals stage includes 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 24 individuals have been or are the subject of contempt proceedings.

The ICTY Digest is a publication of the Registry, prepared and produced by the LPTV Section.
Registrar: Hans Holthuis. Chief LPTV: Christian Chartier
Assistant: Gea van der Werf

Queries and comments:

Christian Chartier, Editor: +31.70.512.52.40, chartier.icty@un.org
Denise Gustin-Gardella, Assistant Editor: +31.70.512.53.49, gustin.icty@un.org

International Criminal Tribunal for the former Yugoslavia, Churchillplein 1, 2517 JW The Hague, the Netherlands
www.un.org/icty

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