

United  
NationsInternational Criminal  
Tribunal for the  
former Yugoslavia

Monday 26 July 2010

Highlights of 05/07/2010 through 27/07/2010 - Nr. 81

**THE NEXT ICTY DIGEST WILL BE PUBLISHED ON MONDAY 30 AUGUST****[Appeals Chamber orders two ICTY firsts: a review of judgement and a partial re-trial](#)****Šljivančanin appeal judgement to be reviewed**

On 14 July, the Appeals Chamber (Judge Meron, Presiding, Judge Güney, Judge Pocar, Judge Liu, and Judge Vaz) issued a decision granting Veselin Šljivančanin's application for review of the 5 May 2009 appeals judgement against him. In the original appeals judgement, the Chamber entered an additional conviction for aiding and abetting murder and raised Šljivančanin's sentence from 5 years to 17 years in prison. The 14 July decision arises from an evidentiary hearing held on 3 June 2010, and represents the first time in ICTY history that a request for review of a judgement has been granted. There have been eleven previous applications filed by convicted persons or the Prosecution (one case) and each has been rejected.

**Partial retrial ordered in Haradinaj et al**

On 21 July, the Appeals Chamber (Judge Robinson, Presiding, Judge Pocar, Judge Vaz, Judge Daqun, and Judge Meron) ordered a partial re-trial of Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj under six counts in the indictment. Describing the basis for the re-trial, President Robinson said: "For the reasons set out in the judgement, the Appeals Chamber (...) has found that the Trial Chamber failed to take sufficient steps to counter the witness intimidation that permeated the trial. Given the potential importance of these witnesses to the Prosecution's case, the error undermined the fairness of the proceedings and resulted in a miscarriage of justice."

Granting the Prosecution's first ground of appeal, the majority of the Appeals Chamber (Judge Robinson dissenting) quashed the Trial Chamber's decisions to a) acquit Haradinaj and Balaj of participation in a JCE at the KLA headquarters and the prisons in Jablanica under Counts 24, 26, 28, 30, 32, and 34 of the indictment; b) acquit Brahimaj b of participation in a joint criminal enterprise to commit crimes at the KLA headquarters and the prison in Jablanica under Counts 24, 26, 30, and 34 of the indictment; (c) acquit Haradinaj, Balaj, and Brahimaj of individual criminal responsibility under Counts 24 and 34 of the indictment; and (d), to acquit Brahimaj of individual criminal responsibility under Count 26 of the indictment. The three accused will now be re-tried under the above named counts of the indictment, and were accordingly ordered to return to detention.

President Robinson later issued an order assigning the Haradinaj et al case to a Trial Chamber constituted as follows: Judge Bakone Moloto (Presiding), Judge Burton Hall, and Judge Guy Delvoie.

*The full texts of both the Šljivančanin decision and the Haradinaj et al judgement can be found on the ICTY website.*

**5 July****President Robinson in Croatia**

Judge Patrick Robinson visited Croatia at the invitation of the country's Supreme Court. During his three-day visit, the President met with Branko Hrvatin, Chief Justice of the court, and held a roundtable meeting with other judges. Judge Robinson also met President Ivo Josipović; Justice Minister Ivan Šimonović; the Head of the Ministry of Justice Office for Cooperation with International Criminal Courts, Gordan Markotić; and select representatives of the international community and non-governmental sector. The visit was part of President Robinson's continuing efforts to intensify knowledge-sharing and co-operation with judiciaries in the region of the former Yugoslavia as a key part of the Tribunal's legacy.

**7 July****Gotovina et al: closing arguments rescheduled**

Initially scheduled to take place from 25 to 27 August, the closing arguments will now take place between 30 August and 2 September 2010, following an order issued by Trial Chamber I.

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[14 July](#)

**Dorđević trial completed**

Closing arguments in the Đorđević case were completed on 14 July. A former Assistant Minister of the Serbian Ministry of Internal Affairs (MUP) and Chief of the Public Security Department of the MUP, Vlastimir Đorđević is being tried for crimes against humanity and war crimes allegedly committed against Kosovo Albanian civilians in 1999. The trial commenced on 27 January 2009. The Prosecution completed its case on 28 October 2009 (its case was reopened on 17 May 2010 in order to examine one more witness). The Defence case commenced on 30 November 2009 and was completed on 20 May 2010. The trial has so far encompassed 199 days in court, 105 Prosecution witnesses and 1603 Prosecution exhibits, and 28 Defence witnesses and 941 Defence exhibits. The Prosecution is seeking a sentence of between 35 years and life imprisonment for Đorđević, while the Defence has asked for an acquittal.

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[21 July](#)

**Sikirica granted early release**

The former Commander of Security at Keraterm Camp, Duško Sikirica has been granted early release and has left the Austrian prison where he had been serving his sentence since May 2002. The decision was made by President Robinson on 21 June, but was kept confidential until after Sikirica's release.

Indicted in 1995 and arrested in 2000, Sikirica was put on trial at the ICTY but entered into a plea agreement with the Prosecution after the close of his Defence case. He was convicted of crimes against humanity committed at Keraterm Camp in the summer of 1992 (murder; torture and beating; sexual assault and rape; harassment, humiliation and psychological abuse; confinement of Bosnian Muslims, Bosnian Croats and other non-Serbs in inhumane conditions). On 13 November 2001, Sikirica was sentenced to 15 years' imprisonment. The gravity of the crimes committed by Sikirica is stressed in the President's decision. However, a combination of other factors militated in favour of his provisional release: he has served two-thirds of his term, he entered a guilty plea, he has expressed sincere remorse for his crimes, and he has behaved well in detention.

*The full text of the President's decision can be found on the ICTY website.*

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[21 July](#)

**Lukić & Lukić appeals hearing...**

...will take place on Tuesday 21 September, according to a scheduling order issued by the Appeals Chamber.

On 20 July 2009, Milan Lukić was sentenced to life imprisonment and Sredoje Lukić to 30 years' imprisonment for crimes against humanity and war crimes committed in the eastern Bosnian town of Visegrad during the 1992-1995 war.

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[26 July](#)

**Krajisnik denied early release**

President Robinson issued a decision denying early release to Momčilo Krajisnik. The Tribunal had been advised by authorities in the UK, where Krajisnik was serving his sentence, that the prisoner would be eligible for release on 2 April 2010, having served half of his sentence.

*On 17 March 2009, the Appeals Chamber sentenced Krajisnik to 20 years' imprisonment, upholding earlier guilty findings against the former member of the Bosnian Serb leadership for deportations, forcible transfer and persecution of non-Serb civilians committed during the conflict in Bosnia and Herzegovina. He was transferred to the UK on 4 September 2009.*

President Robinson was of the view that, although Krajisnik has "displayed some evidence of rehabilitation", the "very high gravity" of his crimes and the practice of the Tribunal to consider convicted persons to be eligible for early release only when they have served two-thirds of their sentence, weighed against early release, which was accordingly denied.

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## **COURTROOM SCHEDULE: 26 JULY – 27 AUGUST**

The ICTY Chambers are in recess until Friday 13 August. Proceedings will resume on Monday 16 August following the schedule published below. However this schedule is tentative and readers are invited to consult the Tribunal's website for possible last-minute changes.

*Public proceedings are broadcast with a 30-minute delay on the ICTY's website.*

### **MONDAY 16 AUGUST**

Courtroom I                    14:15 – 19:00, **Stanišić & Župljanin**, Trial

### **TUESDAY 17 AUGUST**

Courtroom I                    09:00 – 13:45, **Karadžić**, Trial  
                                  14:15 – 19:00, **Stanišić & Župljanin**, Trial

Courtroom III                 14:15 – 19:00, **Tolimir**, Trial

### **WEDNESDAY 18 AUGUST**

Courtroom I                    09:00 – 13:45, **Karadžić**, Trial  
                                  14:15 – 19:00, **Stanišić & Župljanin**, Trial  
Courtroom III                 09:00 – 13:45, **Tolimir**, Trial

### **THURSDAY 19 AUGUST**

Courtroom I                    09:00 – 13:45, **Karadžić**, Trial  
                                  14:15 – 19:00, **Stanišić & Župljanin**, Trial  
Courtroom III                 09:00 – 13:45, **Tolimir**, Trial

### **FRIDAY 20 AUGUST**

Courtroom I                    09:00 – 13:45, **Karadžić**, Trial  
Courtroom III                 09:00 – 13:45, **Tolimir**, Trial

### **MONDAY 23 AUGUST**

Courtroom I                    09:00 – 13:45, **Stanišić & Župljanin**, Trial  
                                  14:15 – 19:00, **Karadžić**, Trial  
Courtroom III                 09:00 – 13:45, **Perišić**, Trial  
                                  14:15 – 19:00, **Tolimir**, Trial

### **TUESDAY 24 AUGUST**

Courtroom I                    09:00 – 13:45, **Stanišić & Župljanin**, Trial  
                                  14:15 – 19:00, **Karadžić**, Trial  
Courtroom III                 09:00 – 13:45, **Perišić**, Trial  
                                  14:15 – 19:00, **Tolimir**, Trial

### **WEDNESDAY 25 AUGUST**

Courtroom I                    09:00 – 13:45, **Stanišić & Župljanin**, Trial  
                                  14:15 – 19:00, **Karadžić**, Trial  
Courtroom III                 09:00 – 13:45, **Perišić**, Trial  
                                  14:15 – 19:00, **Tolimir**, Trial

### **THURSDAY 26 AUGUST**

Courtroom I                    09:00 – 13:45, **Stanišić & Župljanin**, Trial  
                                  14:15 – 19:00, **Karadžić**, Trial  
Courtroom II                 14:15 – 19:00, **Stanišić & Simatović**, Trial  
Courtroom III                 09:00 – 13:45, **Perišić**, Trial  
                                  14:15 – 19:00, **Tolimir**, Trial

### **FRIDAY 27 AUGUST**

Courtroom I                    09:00 – 13:45, **Stanišić & Župljanin**, Trial  
                                  14:15 – 19:00, **Karadžić**, Trial  
Courtroom II                 09:00 – 13:45, **Stanišić & Simatović**, Trial

## PROCEEDINGS COMPLETED WITH REGARD TO 124 ACCUSED

Since the very first hearing (deferral 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 124 of them: 12 have been acquitted, 63 sentenced (three are awaiting transfer, 25 have been transferred, 32 have served their term, and three 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 37 accused: 14 are at the appeals stage, 18 are currently on trial, and three are at the pre-trial stage. Two fugitives are still at large.

A further 31 individuals have been or are the subject of contempt proceedings.

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The ICTY Digest is a publication of the Registry, prepared and produced by the LPTV Section.  
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