



MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

2 July 2012



MICT launched in Tanzania

The launch of the United Nations Mechanism for International Criminal Tribunals (MICT) Arusha Branch was marked by a ceremony in Arusha, Tanzania, at which Stephen Mathias, Assistant Secretary-General for Legal Affairs, addressed the assembled guests on behalf of the Secretary-General.

He was followed by Tanzanian Minister for Constitutional and Legal Affairs Mathias Chikawe; Martin Ngoga, the Rwandan Prosecutor General; ICTY/MICT President Judge Theodor Meron; ICTR/MICT Prosecutor Hassan Bubacar Jallow; and ICTR President Judge Vagn Joensen. The ceremony was closed by ICTY/MICT Registrar John Hocking.

The commencement of the MICT was

welcomed by the United Nations Security Council. The Council said the MICT was “essential to ensure that the closure of the ICTR and ICTY does not leave the door open to impunity for the remaining fugitives and for those whose trials or appeals have not been completed.”

“The members of the Security Council recall the contribution of the *ad hoc* and mixed tribunals, the International

Criminal Court, as well as chambers in national tribunals in the fight against impunity for the most serious crimes of concern to the international community,” the Council added.

Copies of the [speeches](#) made by the President, Prosecutor and Registrar of the MICT at the opening ceremony in Arusha can be found on the recently-unveiled [MICT website](#).

IN THE COURTROOMS

28 June 2012



Karadžić case: Rule 98 bis decision

Trial Chamber III has dismissed Radovan Karadžić’s oral motion for a judgement of acquittal on ten counts of the indictment against him, but granted the motion in relation to count one of the indictment in which he was charged with genocide for the crimes committed between March and December 1992 in several municipalities of Bosnia and Herzegovina.

Rule 98 bis of the Tribunal’s Rules of Procedure and Evidence allows for a Trial Chamber to enter a judgement of acquittal on any count in the indictment by oral decision at the close of the Prosecution case if no evidence capable of supporting a conviction has been presented.

With regard to Count 1 of the indictment, the Chamber found that the evidence did not reach the level from which a reasonable trier of fact could infer that genocide occurred in the municipalities. The Chamber noted that genocidal intent can be inferred from a number of factors and circumstances,

including the general context of the case, the means available to the perpetrator, the surrounding circumstances, the perpetration of other culpable acts systematically directed against the same group, the numerical scale of atrocities committed, the repetition of destructive and discriminatory acts, the derogatory language targeting the protected group, or the existence of a plan or policy to commit the underlying offense. The Chamber noted that although it had heard evidence of culpable acts systematically directed against Bosnian Muslims and/or Bosnian Croats in the municipalities, and of the repetition of discriminatory acts and derogatory language, the nature, scale, and context of these culpable acts did not reach the level from which a reasonable trier of fact could infer that they were committed with genocidal intent.

Karadžić’s trial will now continue with the other nine counts of the indictment, with the presentation of Defence case due to begin with the pre-Defence conference on 15 October 2012.

IN THE COURTROOMS

28 June 2012



Šešelj again guilty of contempt

On 28 June, Trial Chamber II convicted Vojislav Šešelj of contempt of the Tribunal and sentenced him, by majority, to two years’ imprisonment for failure to remove confidential information from his website in violation of orders of a Chamber.

The confidential information includes four books written by Šešelj and six confidential filings submitted by him as part of his main trial and one previous trial for contempt of court. These books and filings reveal confidential information about a number of protected witnesses who testified in his main war crimes trial.

In determining the appropriate sentence the Chamber

considered Šešelj’s repeated defiance of the Tribunal’s authority to be an aggravating factor. “The repetitious nature of his conduct is demonstrated by his continuing refusal to obey the orders requiring him to remove confidential material which he has disclosed on many occasions over the course of several years.

This flagrant disregard for Chambers orders amounts to a direct attack upon the judicial authority of the Tribunal,” the Chamber found.

The full [judgement](#) in this case can be found on the ICTY website.



OUTREACH

2 & 3 July 2012



Tribunal hosts YIHR study visit

On 2 July, the Tribunal's Outreach Programme welcomed the participants of a seminar organised by the Belgrade-based NGO Youth Initiative for Human Rights (YIHR) on a two-day visit to the ICTY.

20 young people from Serbia, Croatia, Germany and France - history and law students, human rights activists, journalists, and political activists - met with senior staff members from Chambers, the Registry and the OTP, and also attended presentations on topics such as the Tribunal's work with victims and witnesses, its relationship with the media, and the legal

precedents set by the Tribunal in the fight against impunity for sexual violence.

The visit formed part of a wider seminar on the impact of war crimes trials, in which participants will analyse and discuss the role of such trials and their judicial, political and societal implications in the 20th century. Participants will also visit Dachau and Nuremberg in Germany; Vukovar, Jasenovac and Osijek in Croatia; Belgrade in Serbia; and Oradour-sur-Glane in France.

IN THE COURTROOMS

9 July 2012



Mladić case: presentation of evidence begins

The presentation of Prosecution evidence in the case of Ratko Mladić began on 9 July. The first witness was Elvedin Pašić, who testified about the events that occurred in 1992 in the village where he lived - Hrvacani, Bosnia and Herzegovina - and the surrounding area. Pašić has already testified in the ICTY trials of Momčilo Krajišnik and Radoslav Brđanin.

The next witness on the stand was David Harland. HARLAND was Civil Affairs Officer and Political Advisor to UNPROFOR from June 1993 until the end of the conflict. He remained in Sarajevo, with the UN until 1999. He has previously testified in the ICTY trials of Slobodan Milošević, Dragomir Milošević, and Radovan Karadžić.



STATUS OF CASES

CASES IN PRE TRIAL

Hadžić	<ul style="list-style-type: none"> • Pleded not guilty on 24 August 2011
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CASES AT TRIAL

Haradinaj <i>et al.</i>	<ul style="list-style-type: none"> • Closing arguments took place on 25, 26 and 27 June 2012
Karadžić	<ul style="list-style-type: none"> • The Defence case is scheduled to commence on 16 October 2012
Mladić	<ul style="list-style-type: none"> • The trial commenced on 16 May 2012
Prlić <i>et al.</i>	<ul style="list-style-type: none"> • Closing arguments took place between 7 February and 2 March 2011
Šešelj	<ul style="list-style-type: none"> • The parties presented their closing arguments between 5 and 20 March 2012
Stanišić & Simatović	<ul style="list-style-type: none"> • The Defence case commenced on 15 June 2011
Stanišić & Župljanin	<ul style="list-style-type: none"> • Closing arguments took place from 29 May until 1 June 2012
Tolimir	<ul style="list-style-type: none"> • Closing arguments are scheduled to take place on 21 and 22 August 2012

CASES ON APPEAL

Đorđević	<ul style="list-style-type: none"> • The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs
Gotovina <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 15 April 2011 (sentences: Gotovina - 24 years' imprisonment; Markač - 18 years' imprisonment) • The appeal hearing took place on 14 May 2012
Lukić & Lukić	<ul style="list-style-type: none"> • The trial judgement was pronounced on 20 July 2009 (sentences: Milan Lukić - life imprisonment; Sredoje Lukić - 30 years' imprisonment) • The appeal hearing took place on 14 and 15 September 2011
Perišić	<ul style="list-style-type: none"> • The trial judgement was pronounced on 6 September 2011 (sentence: 27 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs
Popović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 10 June 2010 (sentences: Popović - life imprisonment; Beara - life imprisonment; Nikolić - 35 years' imprisonment; Borovčanin - 17 years' imprisonment; Miletić - 19 years' imprisonment; Gvero - 5 years' imprisonment; Pandurević - 13 years' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Borovčanin, whose sentence is therefore final
Šainović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 26 February 2009 (sentences: Šainović - 22 years' imprisonment; Ojdanić - 15 years' imprisonment; Pavković - 22 years' imprisonment; Lazarević - 15 years' imprisonment; Lukić - 22 years' imprisonment; Milutinović - acquitted) • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Milutinović, whose acquittal is therefore final

CONTEMPT CASES

Rašić	<ul style="list-style-type: none"> • The trial judgement was pronounced on 7 February 2012 (sentence: 12 months' imprisonment) • Both the Prosecution and the Defence have filed their appeal briefs
Šešelj	<ul style="list-style-type: none"> • Second contempt case - the trial judgement was pronounced on 31 October 2011 (sentence: 18 months' imprisonment) • On 14 November 2011, the Amicus Curiae Prosecutor filed his notice of appeal
Šešelj	<ul style="list-style-type: none"> • Third contempt case - the trial commenced on 12 June 2012. The judgement was 28 June 2012 (sentence: two years' imprisonment)

FACTS & FIGURES

<p>161 INDIVIDUALS INDICTED</p> <p>Since the very first hearing (a 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 126 of them:</p> <p>13 have been acquitted, 64 sentenced (one is awaiting transfer, 24 have been transferred, 36 have served their term, and three died while serving their sentence), 13 have had their cases transferred to local courts.</p>	126	Total number of accused whose proceedings have been completed.
	36	Cases terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).
	35	Proceedings are on-going with regard to 35 accused: 17 are at the appeals stage, 17 are currently on trial, and one is at the pre-trial stage.
	34	A further 34 individuals have been or are the subject of contempt proceedings.

The next ICTY Digest will be published on 31 August 2012

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.