



## IN THE COURTROOMS

16 November 2012

### Appeals Chamber acquits Gotovina and Markač

The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia, has reversed, by majority, Ante Gotovina and Mladen Markač's convictions for crimes against humanity and violations of the laws or customs of war and entered verdicts of acquittal against the two men.

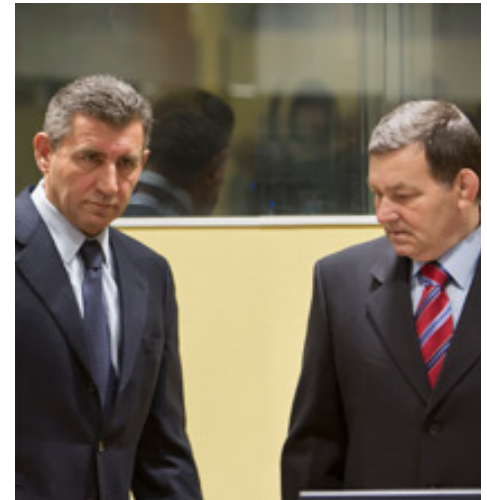
On 15 April 2011, Trial Chamber I found Gotovina and Markač guilty of committing crimes against humanity and violations of the laws or customs of war from July to September 1995 by participating in a joint criminal enterprise to permanently and forcibly remove the Serb civilian population from the Krajina region of Croatia. Gotovina was sentenced to 24 years of imprisonment, and Markač to 18 years'.

The Appeals Chamber unanimously found that the Trial Chamber erred in concluding that all artillery impact sites located more than 200 metres from a target deemed

legitimate served as evidence of unlawful attacks against towns in the Krajina region of Croatia.

A majority of the Appeals Chamber further concluded that the Trial Chamber erred in finding that artillery attacks ordered by Gotovina and Markač were unlawful. The majority also held that the Trial Chamber erred in finding the existence of a joint criminal enterprise whose purpose was the permanent and forcible removal of Serb civilians from the Krajina region.

Accordingly, the majority reversed all of Gotovina and Markač's convictions. The



majority also declined to enter convictions against the accused on the basis of alternate modes of liability.

At the conclusion of the hearing, the Chamber ordered the immediate release of Gotovina and Markač.

The full text of the judgement can be found on the ICTY [website](#).

## IN THE COURTROOMS

30 October 2012



### Perišić appeal hearing

The appeal hearing in the case of Momčilo Perišić was held on 30 October.

On 6 September 2011, Perišić - the most senior officer and Chief of the General Staff of the Yugoslav Army from 26 August 1993 to 24 November 1998 - was found guilty of aiding and abetting murders, inhumane acts, persecutions on political,

racial or religious grounds, and attacks on civilians in Sarajevo and Srebrenica. He was also found guilty of failing to punish his subordinates for their crimes of murder, attacks on civilians and injuring and wounding civilians during the rocket attacks on Zagreb on 2 and 3 May 1995.

He was sentenced to 27 years' imprisonment.

## IN THE COURTROOMS



### Three judgements scheduled

The judgement in the Haradinaj et al re-trial will be pronounced at 9 a.m. on Thursday, 29 November.

On 21 July 2010, the Appeals Chamber in its judgement in the case against Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj found: "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." Based on these findings, the Appeals Chamber ordered a partial re-trial on certain counts of the indictment.

The Appeals Chamber judgement in the case of Milan and Sredoje Lukić will be rendered on Tuesday, 4 December.

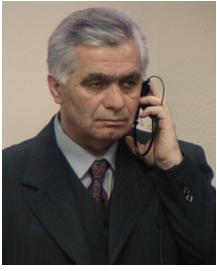
On 20 July 2009, Milan Lukić was sentenced to life imprisonment, and Sredoje Lukić to 30 years' imprisonment, for crimes against humanity and war crimes committed in the eastern Bosnian town of Visegrad during the 1992-1995 war.

Trial Chamber II will render its judgement in the case of Zdravko Tolimir on 12 December, a scheduling order has announced.

Tolimir is charged with genocide, conspiracy to commit genocide, crimes against humanity and violations of the laws or customs of war committed between July and November 1995 against Bosnian Muslims in Srebrenica and Zepa. During this period, Tolimir was the Assistant Commander for Intelligence and Security of the Main Staff of the Bosnian Serb Army.

## CONVICTED PERSONS

8 November 2012



### Momčilo Krajišnik denied early release

ICTY President Theodor Meron has issued a decision denying early release to Momčilo Krajišnik.

On 17 March 2009, the Appeals Chamber sentenced Krajišnik 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 to serve the remainder of his sentence on 4 September 2009.

In his decision, President Meron stated that he was of the view that, although there is evidence Krajišnik has been rehabilitated, the "very high gravity" of his crimes and "the practice of the Tribunal...to consider the eligibility of a convicted person [for early release] only after he has served two-thirds of his sentence" weighed against Krajišnik's early release at this point.

The full text of President Meron's decision can be found on the Tribunal's [website](#).

## CONVICTED PERSONS

14 November 2012



### Enforcement of sentences roundtable

Between 14 and 17 November, the ICTY played host to a three-day roundtable discussion on the enforcement of sentences handed down by the Tribunal. Participants included representatives from the Enforcement States, the Tribunal, the ICRC, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

'Our meeting this week serves to bolster dialogue between the ICTY and Enforcement States. As the Tribunal nears the end of its mandate, we are working hard to identify new solutions and ways forward in relation to current challenges. We must also ensure that there is complete understanding of the implications of the transition from the ICTY to the Mechanism for International Criminal Tribunals, as the latter organisation will soon take over responsibility for the management of enforcement matters', said Judge Theodor Meron, President of the ICTY, at the outset of the discussions.

The roundtable comprised plenary meetings to allow for general, exploratory discussions, and working groups which considered a number of issues relating to the enforcement of sentences rendered by the ICTY.

Seventeen States have signed an agreement with the ICTY on enforcement of sentences and, to date, ICTY convicts have been transferred to thirteen different States to serve their sentences.

More information on enforcement of sentences, including an interactive map, can be found on the Tribunal's [website](#).

As the Tribunal moves towards the end of its mandate, it is preparing for the handover of its key residual functions to the [Mechanism for International Criminal Tribunals \(MICT\)](#). Responsibility for enforcement of sentences will be transferred to the MICT on 1 July 2013.

## IN THE COURTROOMS

16 November 2012



### Appeals Chamber affirms Rašić's contempt conviction

The Appeals Chamber has affirmed the conviction of Jelena Rašić - a former case manager on the Defence team of ICTY accused Milan Lukić - for contempt of the Tribunal and upheld her sentence of 12 months' imprisonment, dismissing the appeals of both the Prosecution and Defence in their entirety.

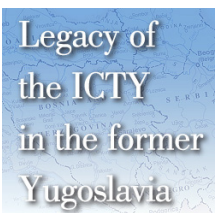
Rašić was sentenced on 7 February 2012 to 12 months' imprisonment for having knowingly and wilfully interfered with the administration of justice by procuring false witness statements in exchange for money. This conviction followed the acceptance by the Trial Chamber of a plea agreement

filed jointly by the Prosecution and the Defence at a hearing at which Rašić pleaded guilty to all five counts of contempt set out in an amended indictment filed jointly by the parties on 24 January 2012.

In rendering its judgement, the Appeals Chamber also affirmed the Trial Chamber's decision to suspend the last eight months of Rašić's sentence.

The full text of the judgement can be found on the Tribunal's [website](#).

## ICTY LEGACY



### Regional Legacy Conferences in Sarajevo and Zagreb

As part of the ICTY's efforts to encourage dialogue on its legacy in the former Yugoslavia, the ICTY convened two conferences in November, one in Bosnia and Herzegovina and another in Croatia.

The conferences provided an opportunity for local stakeholders to engage in direct and constructive dialogue about the ICTY's role in the region. Subjects covered at these conferences included the Tribunal's contribution to transitional justice, the Tribunal's role in helping communities come to terms with past conflicts, and ways in which the legacy of the Tribunal can remain relevant to those most directly affected by its work: the citizens of the former Yugoslavia.

The first conference was held in Sarajevo on Tuesday, 6 November and the second in Zagreb on Thursday, 8 November.

Commenting on the conferences, ICTY President Theodor Meron said: "With the Tribunal's final trials underway, it is now more important than ever for the ICTY to reach communities in the former Yugoslavia. Through these conferences, the Tribunal seeks not only to share information about its accomplishments, but also to hear the views of interested communities as to what further steps are necessary to strengthen the legacy of the Tribunal within the region of the former Yugoslavia."

The conferences were organised by the ICTY Outreach Programme and made possible through the generous support of the European Union and the Governments of The Netherlands and Switzerland.

## STATUS OF CASES

### CASES AT TRIAL

|                         |   |
|-------------------------|---|
| Hadžić                  | <ul style="list-style-type: none"> <li>• Trial commenced on 16 October 2012</li> </ul>  |
| Haradinaj <i>et al.</i> | <ul style="list-style-type: none"> <li>• The judgement is scheduled to be rendered on 29 November 2012</li> </ul>             |
| Karadžić                | <ul style="list-style-type: none"> <li>• The Defence case commenced on 16 October 2012</li> </ul>                             |
| Mladić                  | <ul style="list-style-type: none"> <li>• Trial commenced on 16 May 2012</li> </ul>  |
| Prlić <i>et al.</i>     | <ul style="list-style-type: none"> <li>• Closing arguments took place between 7 February and 2 March 2011</li> </ul>          |
| Šešelj                  | <ul style="list-style-type: none"> <li>• The parties presented their closing arguments between 5 and 20 March 2012</li> </ul> |
| Stanišić & Simatović    | <ul style="list-style-type: none"> <li>• The Defence case commenced on 15 June 2011</li> </ul>                                |
| Stanišić & Župljanin    | <ul style="list-style-type: none"> <li>• Closing arguments took place from 29 May until 1 June 2012</li> </ul>                |
| Tolimir                 | <ul style="list-style-type: none"> <li>• The judgement is scheduled to be rendered on 12 December 2012</li> </ul>             |

### CASES ON APPEAL

|                        |   |
|------------------------|---|
| Đorđević               | <ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment)</li> <li>• Both the Prosecution and the Defence have filed their appeal briefs</li> </ul>  |
| Lukić & Lukić          | <ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 20 July 2009 (sentences: Milan Lukić - life imprisonment; Sredoje Lukić - 30 years' imprisonment)</li> <li>• The appeal hearing took place on 14 and 15 September 2011</li> <li>• The appeal judgement is scheduled to be rendered on 4 December 2012</li> </ul>   |
| Perišić                | <ul style="list-style-type: none"> <li>• The trial judgement was pronounced on 6 September 2011 (sentence: 27 years' imprisonment)</li> <li>• The appeal hearing took place on 30 October 2012</li> </ul>   |
| Popović <i>et al.</i>  | <ul style="list-style-type: none"> <li>• 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)</li> <li>• Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Borovčanin, whose sentence is therefore final</li> </ul> |
| Šainović <i>et al.</i> | <ul style="list-style-type: none"> <li>• 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)</li> <li>• Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Milutinović, whose acquittal is therefore final</li> </ul>                           |

### CONTEMPT CASES

|        |  |
|--------|--|
| Šešelj | <ul style="list-style-type: none"> <li>• Second contempt case - the trial judgement was pronounced on 31 October 2011 (sentence: 18 months' imprisonment)</li> <li>• On 14 November 2011, the Amicus Curiae Prosecutor filed his notice of appeal</li> </ul> |
| Šešelj | <ul style="list-style-type: none"> <li>• Third contempt case - the trial commenced on 12 June 2012. The judgement was rendered on 28 June 2012 (sentence: two years' imprisonment)</li> </ul>  |

## FACTS & FIGURES

|  |            |   |
|--|------------|---|
| <p><b>161 INDIVIDUALS INDICTED</b></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 <b>161</b> individuals, and has already completed proceedings with regard to <b>128</b> of them:</p> <p><b>15</b> have been acquitted, <b>64</b> sentenced (<b>25</b> have been transferred to serve this sentences, <b>36</b> have served their term, and <b>three</b> died while serving their sentence), <b>13</b> have had their cases transferred to local courts.</p> | <b>128</b> | Total number of accused whose proceedings have been completed.  |
|  | <b>36</b>  | Cases terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal). |
|  | <b>33</b>  | Proceedings are on-going with regard to 33 accused: 18 are currently on trial, and 15 are at the appeals stage.                     |
|  | <b>34</b>  | A further 34 individuals have been or are the subject of contempt proceedings.  |

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.