



IN THE COURTROOMS

Judge Harhoff disqualified from Šešelj case

The Chamber appointed by order of the Tribunal's Vice-President found by majority, Judge Liu dissenting, that Judge Frederik Harhoff had demonstrated an unacceptable appearance of bias in favour of convicting indictees. Judge Harhoff was therefore disqualified from the case of Vojislav Šešelj.

The Chamber's decision follows Šešelj's motion of 9 July 2013 seeking the disqualification of Judge Harhoff from the bench in his case, on the basis of a letter that the judge wrote dated 6 June 2013.

The majority of the special Chamber, Judge Liu dissenting, concluded that by "referring to a 'set practice' of convicting accused persons without reference to an evaluation of the evidence in each individual case",

Judge Harhoff had demonstrated an unacceptable appearance of bias. The Chamber also noted in this context that no specific reference to the accused was required to reach the conclusion of an unacceptable appearance of bias.

The majority further ruled that the appearance of bias could also be perceived in Judge Harhoff's contention that he was confronted by a "professional and moral dilemma", which in the view of the majority, was a reference to his difficulty in applying the current jurisprudence of the Tribunal.

Judge Frederick Harhoff circulated a private letter to 56 people on 6 June 2013. The letter then became publicly available through the media and on the internet. In the letter, the judge criticised a number of recent Appeals Chamber and Trial Chamber judgements



and claimed that the President of the Tribunal was exerting pressure on his colleagues in deliberations.

On 17 September, the presiding judge in the Šešelj case, Jean-Claude Antonetti, issued an order rescinding a previous order which had set the date for the rendering of the trial judgement. A new date for the pronouncement of the judgement will be set in due course.

IN THE COURTROOMS



Sredoje Lukić transferred to Norway

Sredoje Lukic, a former member of a Bosnian Serb paramilitary group active during the war in the town of Višegrad, was transferred on Wednesday, 21 August, to Norway to serve the remainder of his prison sentence.

On 20 July 2009, Trial Chamber III convicted Lukić alongside his cousin, Milan Lukić, of war crimes and crimes against humanity that Presiding Judge Robinson said were "characterised by a callous and vicious disregard for human life." Sredoje Lukić was sentenced to 30 years' imprisonment. On 4 December 2012, the Appeals Chamber reduced his sentence to 27 years'.

Lukić is the first person convicted by the ICTY to be transferred by the Mechanism for International Criminal Tribunals to an enforcement state.

An [information sheet](#) covering the Lukić and Lukić case can be found on the ICTY website.

CONVICTED PERSONS



Dragoljub Ojdanić granted early release

Tribunal President Theodor Meron's decision granting early release to Dragoljub Ojdanić was made public on 29 August.

On 26 February 2009, in the case then known as Milutinović et al., Trial Chamber III found former Yugoslav Army chief of staff Ojdanić guilty of aiding and abetting the commission of a number of charges of deportation and forcible transfer of the ethnic Albanian population of Kosovo and him sentenced to 15 years' imprisonment.

On 28 January this year, Ojdanić withdrew his appeal against the judgement, and the Prosecution did likewise as far as the judgement pertained to Ojdanić.

In his decision on early release, the President writes: "There are three factors which weigh in favour of Ojdanić's early release. Specifically, Ojdanić will have served two-thirds of his sentence on 29 August 2013, there exist positive indicators of his rehabilitation while in prison and there exist humanitarian concerns which militate in favour of early release."

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



CONVICTED PERSONS



Momčilo Krajišnik granted early release

A decision by Tribunal President Theodor Meron's ordered early release be granted to Momčilo Krajišnik on 1 September.

On 27 September 2006, a Trial Chamber found Krajišnik, a former member of the Bosnian Serb leadership, guilty of persecutions, extermination, murder, deportation and forced transfer of non-Serb civilians during the conflict in Bosnia and Herzegovina, and sentenced him to 27 years in prison.

On 17 March 2009, the Appeals Chamber quashed Krajišnik's convictions for murder, extermination and persecution - with exception of deportation and forcible transfer - and sentenced him to 20 years' imprisonment.

In his decision on early release, the President writes: "There is significant evidence that Krajišnik has been rehabilitated and that the risk of his committing a new crime once released is low (...) Also, by 3 August 2013, Krajišnik will have served two-thirds of his sentence (...) These factors undercut, in my view, the negative weight that must be given to the very high gravity of the crimes of which Krajišnik was convicted."

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



STATUS OF CASES

CASES AT TRIAL

Hadžić	<ul style="list-style-type: none"> • Trial commenced on 16 October 2012.
Karadžić	<ul style="list-style-type: none"> • The Defence case commenced on 16 October 2012.
Mladić	<ul style="list-style-type: none"> • Trial commenced on 16 May 2012.
Šešelj	<ul style="list-style-type: none"> • The parties presented their closing arguments between 5 and 20 March 2012.

CASES ON APPEAL

Dorđević	<ul style="list-style-type: none"> • The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment).
Prlić <i>et al.</i>	<ul style="list-style-type: none"> • Judgement rendered on 29 May 2013. Accused given sentences ranging from 10 to 25 years' imprisonment.
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, and Ojdanić, for whom briefs were filed and later withdrawn by both parties, and whose sentence is therefore final. • The appeal hearing was held between 11 and 15 March 2013.
Stanišić & Simatović	<ul style="list-style-type: none"> • Judgement rendered on 30 May 2013. Both acquitted.
Stanišić & Župljanin	<ul style="list-style-type: none"> • Both sentenced to 22 years of imprisonment on 27 March 2013.
Tolimir	<ul style="list-style-type: none"> • Trial judgement rendered on 12 December 2012. Sentenced to life 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 136 of them.</p> <p>18 have been acquitted, 69 sentenced (19 have been transferred to serve this sentences, 1 is awaiting transfer, 46 have served their term, and 3 died while serving their sentence), and 13 have had their cases transferred to local courts.</p>	136	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).
	25	Proceedings are on-going with regard to 25 accused: 4 are currently on trial, and 21 are at the appeals stage.
	35	A further 35 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.