



COMPLETION STRATEGY REPORTS

President Meron highlights efforts being made to complete judicial work



On 5 December, the Tribunal's President, Judge Theodor Meron, updated the UN Security Council on the progress being made by the ICTY towards the completion of its mandate.

"The Tribunal has continued to make progress in completing the last cases before it. Since

my last completion strategy report, the Tribunal has rendered five judgements," the President told the Council. With regard to the remaining ongoing proceedings, the President told the Council that "almost all ICTY cases will have been completed by 31 December 2014."

Forecast judgement delivery dates were unchanged in seven of the Tribunal's eleven remaining cases, the President said. "The delays in three of the remaining four cases are of a very limited nature". He explained that the judgement in the Karadžić case was expected to be issued in October 2015 instead of July 2015, while both the Šainović et al. and Đorđević appeal judgements would be rendered in January 2014, one month later than previous forecasts. The final case, of Vojislav Šešelj, has experienced more severe delays, resulting from the disqualification of one of the judges in the trial.

President Meron noted that several of the judicial delays that he reported and the inability to complete all ICTY judicial work by the end of 2014 were "directly attributable to factors outside the case management process, and reflect the inherent uncertainty in predicting the time needed to complete judgements in highly complex cases".

The President also shared with the Council certain reflections based on his recent visit to Bosnia and Herzegovina. "Conversations during my visit ... underscored for me that the Tribunal's work, important though it is, cannot address all the needs of the region. Instead, the international community needs to support additional, complementary initiatives which provide for reconciliation through dialogue and restitution," President Meron said. In particular, the President urged Member States to back efforts to provide reparations and support to victims of the wars in the former Yugoslavia.

The President concluded his address by assuring the Council that the staff and judges of the Tribunal "remain fiercely committed to completing trials and appeals efficiently and in accordance with the highest standards of procedural fairness."

The full text of the President's [speech](#) and the [completion strategy report](#) can be found on the ICTY website.

Prosecutor Brammertz says Tribunal 'yet to fully deliver justice'



Presenting his Office's 20th completion strategy report to the Security Council, Prosecutor Serge Brammertz addressed the current status of trials and appeals, cooperation between the countries in the former Yugoslavia and the Office of the Prosecutor (OTP), and the progress of national

war crimes cases in Bosnia and Herzegovina (BiH), as well as regional cooperation between Croatia, Serbia and BiH.

At the outset, the Prosecutor pointed to significant progress towards the conclusion of the remaining three trials. The Prosecutor said that "by early 2014, the Prosecution will have finished presenting its evidence-in-chief in all trials before the Tribunal."

Noting the Tribunal's 20th anniversary, the Prosecutor said that the "events during this reporting period remind us that many people in the former Yugoslavia are still waiting for answers about the fate of their loved ones". In particular, the Prosecutor suggested that the recently discovered Tomasica mass grave in north-western BiH is a "timely reminder that efforts to resolve the issue of persons still missing from the conflicts in the former Yugoslavia must be accelerated".

Turning to cooperation between the countries of the former Yugoslavia and the Tribunal, the Prosecutor said that "Serbia, Croatia and Bosnia and Herzegovina have responded as required" to the OTP's requests for assistance. However, Prosecutor Brammertz expressed serious concerns regarding national war crimes cases in BiH. Very little progress has been made towards finalising nine of the 13 investigation files transferred by the OTP and a significant backlog of cases remains to be prosecuted as part of the National War Crimes Strategy.

Prosecutor Brammertz concluded by saying that "20 years after the Tribunal opened its doors, it is yet to fully deliver on its promise of justice for victims and survivors of atrocities in the former Yugoslavia". He added that the expectations of victims and survivors are high "and rightly so", as "in coming forward to testify in proceedings many have confronted deep seated fears and trauma".

Noting that "recent developments have seriously strained the Tribunal's relationship of trust with victims and survivors", Prosecutor Brammertz said that the OTP "reiterates its commitment to using the last phase [of its work] to address these concerns".

The full text of the President's [speech](#) and the [completion strategy report](#) can be found on the ICTY website.

IN THE COURTROOMS



Šešelj trial to continue

On 13 December, ICTY Trial Chamber III issued a decision on the continuation of the proceedings in the case of Vojislav Šešelj, following the disqualification of Judge Frederik Harhoff and appointment of Judge Mandiaye Niang to the bench.

The Chamber unanimously ordered that the proceedings would resume from the point after the closing arguments, and move into the deliberations phase as soon as Judge Niang has familiarised himself with the case file.

The Chamber decided that a new judge is able to assess witness testimony given in his absence through other means, including video recordings. Consequently, the Chamber concluded that Judge Niang will be able to evaluate the credibility of witnesses heard during the proceedings in the case, and familiarise himself with the record of the proceedings to a satisfactory degree.

Šešelj filed a motion on 9 July 2013 seeking the disqualification of Judge Harhoff from the bench, on the basis of a letter that the judge wrote dated 6 June. On 28 August a specially appointed Chamber disqualified Judge Harhoff from the Šešelj case having found by majority, Judge Liu dissenting, that he had demonstrated an unacceptable appearance of bias in favour of conviction.

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

CONVICTED PERSONS



Mrkšić denied early release

President Meron decision denying early release to Mile Mrkšić was issued in a public redacted version on 13 December.

On 27 September 2007, Trial Chamber II found Mrkšić guilty of aiding and abetting murder, torture and cruel treatment as violations of the laws or customs of war with respect to events at Ovčara, near Vukovar, on 20 and 21 November 1991. The Chamber sentenced Mrkšić to 20 years of imprisonment. On 5 May 2009, the Appeals Chamber dismissed Mrkšić's appeal in its entirety and affirmed his convictions and sentence. He was transferred to Portugal on 16 August 2012.

In his decision, President Meron states: "Mrkšić has been convicted of very serious crimes and has served only half of his 20-year sentence, although he has exhibited some signs of rehabilitation. These factors ... do not warrant his release now." Mrkšić's application for early release was therefore denied by the President.

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



Mrđa granted early release

On 18 December, a public redacted version of the President's decision granting early release to Darko Mrđa was issued.

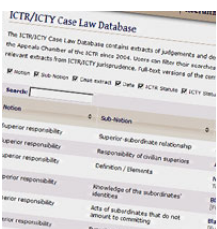
On 24 July 2003, Mrđa entered into a plea agreement with the Prosecution, pleading guilty to murder and other inhumane acts for his part in the Koricanske Stijene massacre in which around 200 Bosnian Muslim or non-Serb civilians were killed.

On 31 March 2004, the Trial Chamber sentenced Mrđa to 17 years in prison, and on 23 November 2004 he was transferred to Spain to serve the remainder of that sentence.

In his decision, the President writes: "I am of the view that, despite the severe gravity of his crimes ... Mrđa should be granted early release ... Mrđa has shown signs of rehabilitation and, most importantly, has provided substantial cooperation to the Prosecution, a factor that justifies release upon the completion of two-thirds of his sentence [on 10 October 2013]."

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

CASE LAW DATABASE



New search tool opens up ICTR and ICTY jurisprudence

A new international criminal justice research tool was released on 16 December to facilitate public access to the enormous collection of jurisprudence produced by the ICTY and the ICTR. The [Case Law Database](#) (CLD) is sure to become an invaluable aid to professionals working in the field of international criminal law. The new database is accessible from the website of the Mechanism for International Criminal Tribunals, as part of that institution's mandate to maintain and promote the legacies of the ICTY and ICTR.

With more than 1,800 entries, the CLD covers the pioneering case law produced by the two tribunals and highlights their global impact on international humanitarian law.

The CLD is the result of a joint effort by the ICTY Web Unit and the ICTR/ICTY Appeals Chamber. It is being continuously developed and will remain a dynamic component of the legacies of the two tribunals for years to come.



STATUS OF CASES

CASES AT TRIAL

Hadžić	<ul style="list-style-type: none"> • Trial commenced on 16 October 2012. The Prosecution concluded its case on 17 October 2013.
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). • The appeal hearing was held on 13 May 2013. The judgement is scheduled to be pronounced on 27 January 2014.
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. • Following his death in February 2013, on 7 March 2013 the Appeals Chamber declared proceedings against Gvero closed. • The appeal hearing was held between 2 and 13 December.
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. The judgement is scheduled to be pronounced on 23 January 2014.
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.

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.