ICTY DIGEST #153





UNITED NATIONS - NATIONS UNIES
International Criminal Tribunal for the former Yugoslavia
Tribunal Pénal International pour l'ex-Yougoslavie

AUGUST - SEPTEMBER 2015

ICTY 20 September 2015

Open Day at the Tribunal



The ICTY opened its doors to welcome around 700 members of the public as part of The Hague's 'International Day'. During the event, visitors had the opportunity to take a look behind the scenes of the International City of Peace and Justice by visiting the ICTY and other international organisations in The Hague.



The Vice-President of the Tribunal, Judge Carmel Agius, opened the event, stating: "For the past five years, the Tribunal has participated in this event with the greatest enthusiasm. The Open Doors Day offers an opportunity to reaffirm our partnership with the City that has been generously hosting us for the past twenty years, as well as a unique occasion to share our work with all of you."



Highlights of the Open Day included presentations on the role of international judges at the ICTY by Judges Christoph Flügge and Alphons Orie, and a presentation on the prosecution of sexual violence cases before the ICTY by Michelle Jarvis, Principal Legal Counsel (Deputy to the Prosecutor and Head of Appeals). Other presenters included OTP Chief of Operations Bob Reid, who explained the work of the Prosecutor's Office, and Martine Durocher from Chambers.

Visitors were invited to take part in guided tours of a courtroom, watch documentary film screenings and view material from the ICTY archives.







ICTY DIGEST | #153

OFFICE OF THE PROSECUTOR

28 September 2015

Training BiH Investigators on Accessing OTP Evidence



The third in a series of training sessions on accessing OTP evidence collection organised for judicial experts from Bosnia and Herzegovina (BiH) by the ICTY's Office of the Prosecutor (OTP) and the OSCE mission to BiH started on Monday 28 September in Sarajevo. Two OTP experts have conducted one training session in Sarajevo and one in Banja Luka for approximately 40 investigators from BiH.

The training organised by the OTP provides national prosecutors and investigators with remote electronic access to approximately 60 percent of the total of 9,000.000 pages of documents which constitute the OTP's evidence collection, consisting of witness statements, documents, video and audio files. The first two of a series of training sessions took place in June and November 2013 when the OTP experts conducted training sessions for 35 judicial experts from Banja Luka and Sarajevo.

The OTP training initiatives represent an important avenue for sharing its expertise with the judicial professionals of BiH aiming at strengthening the capacity of national jurisdictions for the successful prosecution of war crimes in the former Yugoslavia.

OFFICE OF THE PRESIDENT

22 September 2015

President Meron delivers World Class Lecture to International Students



On 22 September 2015, President Theodor Meron delivered a 'World Class Lecture to International Students' at the initiative of the City of The Hague in the lobby of the Tribunal. Mr. Willem Post, International Adviser to the Mayor of The Hague, introduced the event and the President gave a lecture entitled 'Towards a New Universe of Accountability'.

President Meron focused on the closely intertwined principles of law and conflict. There were around 100 students in attendance and the lecture was followed by questions from the audience

OFFICE OF THE PROSECUTOR

16 September 2015

Launch of the Prosecuting Conflict-Related Sexual Violence (PSV) Network



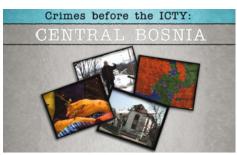
The <u>Prosecuting Conflict-Related Sexual Violence (PSV) Network</u> was launched on 16 September by the ICTY OTP Deputy to the Prosecutor and Network's coordinator, Michelle Jarvis, in Zurich, during the annual conference of the International Association of Prosecutors (IAP).

Within the framework of the IAP where ICTY Prosecutor Serge Brammertz is a member of the Executive Committee, the Network is a new forum for prosecutors working on, or interested in, accountability for conflict-related sexual violence crimes. The idea for the PSV Network arose out of legacy work recently completed in the Office of the Prosecutor of the ICTY. It is designed to facilitate sharing expertise and ideas towards the collective

improvement of approaches to prosecuting these crimes. The emphasis will be on problem-solving and practical legal tools to assist busy prosecutors with their work. It will also be an important avenue for channelling insights and expertise from the ICTY and other *ad hoc* courts and tribunals who are, or soon will be, completing their work.

OUTREACH 10 September 2015

Outreach documentary premieres in The Hague



The fourth feature-length documentary produced by the Tribunal's Outreach Programme, *Crimes before the ICTY: Central Bosnia*, premiered at The Hague Institute for Global Justice. The screening was attended by diplomats, representatives of international organisations and non-governmental organisations, academics, government officials and students. The documentary focuses on the investigation, prosecution, and adjudication of war crimes committed in Central Bosnia from 1993 - 1995.

The ICTY and MICT Registrar John Hocking opened the event, stating: "The aim of this documentary is to make the ICTY proceedings more accessible to all those interested in our work, as well as to strengthen the vital link between the Tribunal and the people in the former Yugoslavia." The Ambassador of Bosnia and Herzegovina to the Netherlands, H. E. Ahmed Halilović, emphasised the importance of having access to the ICTY's findings

in an easily comprehensible form: "Presenting the work of the ICTY in a succinct and comprehensive manner enables the people in my country to better understand often complex legal issues and to actually see justice being done."

Crimes before the ICTY: Central Bosnia is available in English and Bosnian/Croatian/Serbian (BCS) and can be viewed on the Tribunal's YouTube channel. The complete series of Outreach produced documentaries can be viewed on the Tribunal's website.

ICTY DIGEST | #153

OUTREACH 9 September 2015

Fourth round of the Youth Outreach Project started



The fourth round of the Tribunal's Youth Outreach project kicked off in the region with the first in a series of lectures. During the presentation entitled 'Guilty Pleas in the practice of the ICTY' students of the Straniak Academy for Democracy and Human Rights Summer School in Ulcinj, Montenegro, learned about the legal aspects of guilty pleas in relation to serious violations of international humanitarian law. Additionally, they looked at several guilty plea statements given before the ICTY.

The Youth Outreach Project is part of the ICTY's continued efforts to provide students across the region with information about the Tribunal's work, wider issues of transitional justice and post-conflict recovery. Since its launch in December 2011, the project has reached more than 8,000 high-school and university students in the region.

OFFICE OF THE PROSECUTOR

31 August - 1 September 2015

Prosecutor Brammertz at 9th Annual International Humanitarian Law Dialogs



Prosecutor Serge Brammertz participated in the Ninth Annual International Humanitarian Law Dialogs held from 31 August to 1 September at the Chautauqua Institution in Upstate New York, USA. The Dialogs hosted by the Robert H. Jackson Center are held annually with the aim of advancing the field of International Humanitarian Law. The theme of this year's conference was: 'The Wrongs We Seek: Commemorating the 1995 Srebrenica Massacre and the Opening of the International Military Tribunal at Nuremburg 1945.'

This year's gathering included the participation of renowned international prosecutors from the ICTY, the ICTR, the ICC, the Special Court for Sierra Leone, the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia, as well as a number of leading professionals in the field of International Humanitarian Law.

The attending prosecutors and deputy prosecutors signed the 2015 Chautauqua Declaration which, inter alia, deplored "the targeting of groups based on ethnicity, nationality, race, and religion" on the "occasion of the twentieth anniversary of the genocide at Srebrenica." The Conference concluded with the prosecutors and deputy prosecutors of the world's international courts and tribunals reaffirming the original Chautauqua Declaration issued in 2007 which stated that "the challenge for States and for the international community is to fulfill the promise of the law they created; to enforce judicial decisions; [and] to ensure the arrest and surrender of sought individuals."

KEY FILINGS: AUGUST - SEPTEMBER 2015				
POPOVIĆ				
27 August 2015	In this <u>Order</u> from MICT President Judge Meron (filed confidentially on 28 May 2015 and made public on 27 August 2015), Germany was designated as the country Vujadin Popović will serve his life sentence.			
ŠAINOVIĆ				
27 August 2015	In a public redacted version of his <u>Decision</u> (filed confidentially on 10 July 2015), the MICT President granted early release to Nikola Šainović, effective 24 August or "as soon as practicable thereafter". The President concluded that Šainović had served two-thirds of his sentence and that he had demonstrated signs of rehabilitation.			
KARADŽIĆ				
3 September 2015	The BCS translation of the <u>Rule 98bis Judgement</u> by the Appeals Chamber in the case was filed. In its Judgement, rendered on 11 July 2013, the Appeals Chamber reinstated Count 1 (genocide in BiH) in the case against the Accused.			
4 September 2015	Following an Order by the Chamber, the ICTY Deputy Registrar submitted a medical report stating, inter alia, that Karadžić had a surgical intervention (gallbladder removal) on 27 August.			
22 September 2015	The Chamber partially granted the Accused's Motion and ordered a Status Conference to be held on 29 September at 09:00 in courtroom 1. At the Status Conference, Karadžić could raise specific issues related to his health and detention conditions, as specified in his submission, filed on 18 September.			
ZELENOVIĆ				
15 September 2015	A public redacted version of the MICT President's <u>Decision</u> was filed, announcing the early release of Dragan Zelenović, effective 4 September 2015. Zelenović was sentenced to 15 years' imprisonment for crimes committed in Foča.			

STATUS OF CASES				
CASES AT TRIAL				
Hadžić	Trial proceedings are in the defence phase, but have been adjourned since October 2014 due to the poor health of the Accused. On 16 October 2012, the trial began. The Prosecution concluded its case on 28 November 2013. On 3 July 2014, the Defence case began. To date, 11 Defence witnesses have been heard. The Accused was granted provisional release in April 2015 and, again, on 21 May 2015. On 29 July and 21 August 2015, the Chamber held hearings to discuss the Accused's health.			
Karadžić	The evidentiary phase of the trial is closed. On 26 October 2009, the trial began. The Prosecution case officially closed on 25 May 2012. The Defence case started on 16 October 2012 and closed on 1 May 2014. Closing arguments took place from 29 September to 7 October 2014. The last Status Conference was held on 29 September 2015. Trial Judgement is expected in December 2015.			
Mladić	The evidentiary phase of the trial is ongoing, with the Defence presenting its case. On 16 May 2012, the trial began. The Prosecution rested its case on 26 February 2014. Defence commenced its case on 19 May 2014. So far, 186 Defence witnesses have been heard. Trial Judgement is expected in November 2017.			
Šešelj	The evidentiary phase of the trial is closed. On 7 November 2007, the trial began. The Prosecution case was completed on 13 January 2010. There was no Defence case. On 6 November 2014, the Chamber ordered the provisional release of Šešelj due to his poor health.			
CASES ON APPEAL				
Prlić et al.	All Accused filed their appeals against the Trial Chamber Judgement which was rendered on 29 May 2013. The last Status Conference took place on 2 September 2015. The Appeals Judgement is expected in November 2017.			
Stanišić & Simatović	The Prosecution filed a public redacted version of its Appeal Brief in September 2013, requesting that the judgement of acquittal for both Accused be overturned. The Appeals Hearing took place on 6 July this year. The Appeals Judgement is expected in December 2015.			
Stanišić & Župljanin	The last Status Conference in this case took place on 30 June 2015 and the next is scheduled for 15 October 2015. The Appeals Hearing is expected to take place later this year. The Appeals Judgement is expected in June 2016.			

FACTS & FIGURES					
161 INDIVIDUALS INDICTED	147	Total number of accused whose proceedings have been completed.			
The Tribunal has indicted a total of 161 individuals, and has already completed proceedings with regard to 147 of them. 18 have been acquitted, 80 sentenced (16 have been transferred)	36	Cases terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).			
serve their sentence, 6 are awaiting transfer, 54 have served eir term, and 4 died while serving their sentence), and 13	14	Proceedings are on-going with regard to 14 accused: 4 are currently on trial, and 10 are at the appeals stage.			
have had their cases transferred to local courts.	25	25 individuals were the subject of contempt proceedings before the ICTY.			

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.

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