



Monday 23 July 2007

Highlights of 09/07/2007 through 20/07/2007 - Nr. 18

[9 July](#)**Delić:
Prosecution's
motions for
referral and
postponement of
trial denied**

The Trial Chamber denies the Prosecution's second motion to postpone the commencement of the trial of Rasim Delić. In response to the Prosecution's motion of Thursday 5 July to refer the Delić case to the authorities of Bosnia and Herzegovina pursuant to Rule 11bis, the Referral Bench also issues its Decision, denying the motion.

Subsequently, the Delić trial commences as scheduled at 2:15 p.m.

[11 July and 20 July](#)**Milan Lukić and
Sredoje Lukić to
be tried jointly at
the ICTY**

On Wednesday 11 July, the Appeals Chamber grants the appeal filed by Milan Lukić and reverses the Referral Decision of 5 April 2007 to refer the case *The Prosecutor v. Milan Lukić and Sredoje Lukić* to the authorities in Bosnia and Herzegovina (BiH) according to Rule 11bis. The Appeals Chamber accordingly instructs the Trial Chamber to "proceed with the trial in this case."

The Appeals Chamber further states that "it would be open to the Referral Bench to reconsider its decision relating to Sredoje Lukić . . . , on the ground that it would be judicially more appropriate for both cases to be heard by the same judicial body." Sredoje Lukić had not appealed against the Referral Decision of 5 April.

On Friday 20 July, the Referral Bench decides to revoke the referral of Sredoje Lukić's case to BiH. He will therefore be tried jointly with Milan Lukić at the Tribunal.

The day before, the Prosecution had filed a request to the Referral Bench to revoke the referral of Sredoje Lukić. The following press release was issued: MH/MOW/1176e at <http://www.un.org/icty/latest-e/index.htm>

[11 July](#)**Milan Martić
judgement: both
OTP and Defence
appeal**

Both the Office of the Prosecutor and the Defence file their notices of appeal against the Trial Chamber Judgement of 12 June 2007, in which Milan Martić was sentenced to 35 years in prison.

The Prosecution brings one ground of appeal, alleges error of law concerning Article 5 of the Statute, and asks the Appeals Chamber to reverse Martić's acquittals. The Defence bases its appeal on alleged errors of fact and law and requests the Appeals Chamber to find Martić not guilty on counts 1 and 3-19, and to "significantly" reduce the sentence.

[16 July](#)**Vlastimir
Djordjević pleads
not guilty**

Vlastimir Djordjević enters a plea of not guilty at his further initial appearance.

Djordjević, a senior Serbian police officer indicted for crimes against humanity and war crimes committed against Kosovo Albanians in 1999, had his initial appearance before the Tribunal on 19 June. At that time, he opted to postpone the plea by 30 days, until he had the chance to consult a lawyer on the charges.

[16 July](#)**D. Milosević trial:
closing
arguments on 8
and 9 October**

Trial Chamber III issues an Order stating that the Defense case will finish on 24 August. Subject to the Trial Chamber's decision on any rebuttal and rejoinder evidence, hearings will be held on Friday 7 September and Friday 14 September, respectively. Closing arguments shall be heard on Monday 8 and Tuesday 9 October 2007.

Dragomir Milosević, a former commander of the Sarajevo Romanija Corps (SRK) of the Bosnian Serb Army (VRS), has been charged with murder, terror and attacks on civilians in relation to a campaign of sniping and shelling attacks on the city of Sarajevo. His trial started on 11 January 2007.

20 July
Amended Rules
enter into force

The latest amendments to the Rules of Procedure and Evidence (Revision 40) enter into force today.

At the Plenary Session held on Thursday 12 July, Judges amended three of the Rules of Procedure: Rule 62 (Initial Appearance of Accused), Rule 72 (Preliminary Motions) and Rule 75 (Measures for the Protection of Victims and Witnesses). They also repealed Rule 71bis (Testimony by Video-Conference link) and adopted a new Rule, 81bis, entitled Proceedings by Video-Conference Link.

The full text of the amended and newly adopted Rules are available on the Tribunal's website at: <http://www.un.org/icty/legaldoc-e/index.htm>

20 July
Zdravko Tolimir
will stand trial
separately

Trial Chamber II denies the Prosecution's motion to join the case of Zdravko Tolimir with the Popović *et al.* case on the grounds that "joinder would adversely affect the rights of Tolimir and the Accused in the Popović *et al.* case to a fair trial." The Chamber also concluded that "any possible advantage resulting from joinder does not outweigh the adverse effect that it would have on other rights of Tolimir, as well as on the Accused in the Popović *et al.* case in that it will unduly prolong the length of their trial. The protection of the rights of all the accused involved, therefore, militates against joining the two cases."

Tolimir, indicted for genocide and other crimes related to events in Srebrenica in 1995, was transferred to The Hague on 1 June 2007.

COURT SUMMER RECESS FROM MONDAY 30 JULY THROUGH FRIDAY 17 AUGUST

Proceedings in the Milutinović *et al.* case will take place, however, during the weeks of 6 – 10 August and 13-17 August, when the Defence commences its case. Five trials will resume in August: Prlić *et al.* on 16 August; Haradinaj *et al.* on 20 August; and Popović *et al.*, Boškoski and Tarčulovski and Dragomir Milošević on 21 August.

ICTY PROCEEDINGS COMPLETED WITH REGARD TO 105 ACCUSED

Since the very first hearing (referral 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 105 of them: five have been acquitted, 51 sentenced (seven are awaiting transfer, 26 have been transferred, 16 have served their term, and two died while serving their sentence), 13 have had their cases transferred to local courts. Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).

Proceedings are on-going with regard to 56 accused: 11 are at the appeals stage, three are awaiting judgement by a Trial Chamber, 26 are currently on trial, 12 are at pre-trial and four are still at large.

The figure of the accused at the appeals stage includes Sefer Halilović, Fatmir Limaj and Isak Musliu (who have been acquitted and released but in whose case the Office of the Prosecutor has filed an appeal), as well as Amir Kubura and Naser Orić. These two accused have been sentenced and granted early release (Kubura) and release (Orić), but the OTP has appealed against the Trial Chamber's Judgements.

A further 20 individuals have also been the subject of contempt proceedings.

THE NEXT ISSUE OF THE ICTY DIGEST WILL BE PUBLISHED ON MONDAY 20 AUGUST

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