



United Nations



International Criminal Tribunal for the former Yugoslavia

# The ICTY Digest

Monday 14 April 2008

Highlights of 31/03/2008 through 11/04/2008 - Nr. 34

**JUST ANNOUNCED:  
HADŽIHASANOVIĆ  
& KUBURA:  
THE APPEALS  
CHAMBER WILL  
DELIVER ITS  
JUDGEMENT ON  
TUESDAY 22 APRIL**

Senior officers of the Army of Bosnia and Herzegovina, Enver Hadžihanović and Amir Kubura on 15 March 2006 were convicted "for failing to take necessary and reasonable measures to prevent or punish several crimes that forces under their command committed in central Bosnia and Herzegovina in 1993 and the beginning of 1994." Acquitted on a number of counts, they were sentenced to 5 and 2, 5 years respectively. This was the first Tribunal judgement to deal with the presence of foreign Muslim combatants (or Mujahedin) in central Bosnia and Herzegovina.

*The appeals hearing took place on 4 and 5 December 2007. Released on 11 april 2006 (Kubura, early release) and 20 June 2007 (Hadžihanović, provisional release for the remainder of the appeals proceedings) have been ordered to be present at the Judgement hearing, on 22 April. The latter will start at 2.15 p.m.*

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31 March

**Prosecutor in  
New York and  
Washington**

Prosecutor Serge Brammertz travels to the United Nations HQ in New York for a series of high-level meetings with the Secretary General, the Legal Counsel and a number of Management officials. Meetings with representatives of Security Council member states are also scheduled.

The Prosecutor then travels to Washington, D.C. to conduct meetings with State Department officials.

1 April

**Tribunal  
welcomes Judges  
from the BiH  
State Court**

Registrar Hans Holthuis welcomes a delegation consisting of twelve Judges from the State Court of Bosnia and Herzegovina (BiH). The main goal of this visit, organised at the initiative of the US Department of Justice, is to allow the Judges to familiarize themselves with the functioning and role of all organs of the Tribunal.

*During their visit, the Judges looked into details of the ICTY's investigations, work with victims and witnesses, the transfer of cases and ways of ensuring the rights of the accused.*

2 April

**Orić case :  
appeals hearing  
conclude**

The Appeals Chamber, which started hearing the parties' arguments on 1 April, adjourns. It will deliver its Judgement in due course.

*Trial Chamber II on 30 June 2006 convicted Naser Orić, a former senior commander of Bosnian Muslim forces in and around Srebrenica, of failing to take steps to prevent the murder and cruel treatment of a number of Serb prisoners in 1992 and 1993. Naser Orić was sentenced to two years' imprisonment. Both the Defence and the Prosecution appealed.*

3 April

**Haradinaj and  
Balaj acquitted,  
Brahimaj  
convicted and  
sentenced to six  
years'  
imprisonment**

Delivering its Judgement in the Haradinaj et al. case, Trial Chamber I acquits Ramush Haradinaj and Idriz Balaj of all charges which alleged they were responsible for war crimes and crimes against humanity committed in Kosovo between March and September 1998. It finds the third accused, Lahi Brahimaj, guilty on two counts of cruel treatment and torture, and sentences him to six years' imprisonment.

A press release and the official summary of the Judgement can be found at: <http://www.un.org/icty/pressreal/2008/pr1232e.htm>

*Please note that the above documents are also available in Albanian and BCS languages on the ICTY's website.*

7 April

**Slovakia signs an  
Enforcement  
Agreement**

Stefan Harabin, Minister of Justice of Slovakia, and Hans Holthuis, Registrar of the Tribunal, sign an agreement on the enforcement of sentences during a ceremony held at the ICTY.

*This is the second Enforcement Agreement signed this year, the first being that with Estonia on 11 February. Slovakia is the fifteenth state to enter into such an*

[8 April](#)

**Jovica Stanišić  
found fit to stand  
trial**

After a series of hearings convened to discuss the health condition of Jovica Stanišić, the Trial Chamber decides not to reconsider its initial decision that the accused is fit to stand trial, and schedules the opening statements to be given on Monday 14 April.

*The Chamber also orders the Registrar to take measures allowing the accused to participate in the proceedings if and when he is not able to attend court. The Registrar will set up, at the Detention Unit, " video-conference link which allows the Accused to see the witnesses at all times, to follow the proceedings (...) and to make a statement after the opening statements or at a later stage in the trial; a telephone line which allows the Accused to communicate with his Defence Counsel in court."*

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[11 April](#)

**Mičo Stanišić:  
provisional  
release  
suspended; trial  
expected to  
commence before  
the summer  
recess**

Trial Chamber II orders Mičo Stanišić to return to the Detention Unit by Friday 2 May at the latest.

On 6 May, the Trial Chamber will hold a combined Status conference and hearing on issues concerning the representation of the accused. The latter, claiming that the relationship with his Defence Counsel is not satisfactory, wants to represent himself.

*The former Minister of Internal Affairs of Republika Srpska, Mičo Stanišić was indicted in February 2005. He is charged with crimes against humanity (persecutions on political, racial or religious grounds, extermination, murder, torture, inhumane acts, and deportation) and war crimes (murder, torture and cruel treatment) allegedly committed in 1992 against the Bosnian Muslim and Bosnian Croat populations in various areas of Bosnia and Herzegovina taken over by the Bosnian Serbs. Mičo Stanišić surrendered on 11 March 2005. He has been on provisional release since 19 July 2005.*

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## THE COURTROOM SCHEDULE FOR THE PERIOD 14 - 25 APRIL...

...reads as follows:

### MONDAY 14 APRIL

Courtroom I 09:00 – 12:45, **Milutinović et al**, Trial  
13:45 – 15:30, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Delić**, Trial  
14:15 – 19:00, **Stanišić & Simatović**, Pre-Trial Conference and Opening Statements by OTP  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial

### TUESDAY 15 APRIL

Courtroom I 09:00 – 12:45, **Milutinović et al**, Trial  
13:45 – 15:30, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Delić**, Trial  
14:15 – 19:00, **Stanišić & Simatović**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial  
14:45 – 19:00, **Šešelj**, Trial

### WEDNESDAY 16 APRIL

Courtroom I 09:00 – 12:45, **Milutinović et al**, Trial  
13:45 – 15:30, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Delić**, Trial  
14:15 – 19:00, **Stanišić & Simatović**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial  
14:45 – 19:00, **Šešelj**, Trial

### THURSDAY 17 APRIL

Courtroom I 09:00 – 12:45, **Milutinović et al**, Trial  
13:45 – 15:30, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Delić**, Trial  
14:15 – 19:00, **Stanišić & Simatović**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial  
14:15 – 18:30, **Šešelj**, Trial

#### **FRIDAY 18 APRIL**

Courtroom I 09:00 – 12:45, **Milutinović et al**, Trial  
13:45 – 15:30, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Delić**, Trial  
14:15 – 19:00, **Gotovina et al**, Trial

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#### **MONDAY 21 APRIL**

Courtroom I 09:00 – 12:45, **Milutinović et al**, Trial  
13:45 – 15:30, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Stanišić & Simatović**, Trial  
14:15 – 19:00, **Delić**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial  
14:15 – 19:00, **Prlić**, Pre-defence conference

#### **TUESDAY 22 APRIL**

Courtroom I 08:30 – 13:15, **Šešelj**, Trial  
14:15 – 19:00, **Milutinović et al**, Trial  
Courtroom II 09:00 – 13:45, **Stanišić & Simatović**, Trial  
14:15 – 19:00, **Delić**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial  
14:15 -- **Enver Hadžihasanović & Amir Kubura**, Appeals Chamber Judgement

#### **WEDNESDAY 23 APRIL**

Courtroom I 09:00 – 13:45, **Milutinović**, Trial  
14:15 – 19:00, **Stanišić & Simatović**, Trial  
Courtroom II 08:30 – 13:15, **Šešelj**, Trial  
14:15 – 19:00, **Delić**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial  
09:30 – 12:30, **Strugar**, Appeals hearing  
13:30 – 18:00, **Strugar**, Appeals hearing

#### **THURSDAY 24 APRIL**

Courtroom I 09:00 – 13:45, **Milutinović**, Trial  
14:15 – 19:00, **Stanišić & Simatović**, Trial  
Courtroom II 08:30 – 13:15, **Šešelj**, Trial  
14:15 – 19:00, **Delić**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial

#### **FRIDAY 25 APRIL**

Courtroom II 09:00 – 13:45, **Delić**, Trial  
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial

*Please note that this schedule is provisional; last minute changes are indicated on the Tribunal's website. Public proceedings are also broadcast with a 30 minute delay on the ICTY's website.*

#### **PROCEEDINGS COMPLETED WITH REGARD TO 111 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 111 of them: nine have been acquitted, 53 sentenced (five are awaiting transfer, 29 have been transferred, 17 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 50 accused: nine are at the appeals stage, three others have recently been judged by a Trial Chamber, 26 are currently on trial, eight are at the pre-trial stage, and four are still at large.

A further 24 individuals have been or are the subject of contempt proceedings.

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The ICTY Digest is a publication of the Registry, prepared and produced by the LPTV Section.  
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*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.*