



United Nations



International Criminal Tribunal for the former Yugoslavia

The ICTY Digest

Tuesday 13 May 2008

Highlights of 28/04/2008 through 09/05/2008 - Nr. 36

[28 April](#)

JOVICA STANIŠIĆ AND FRANKO SIMATOVIĆ, 27TH AND 28TH ACCUSED ON TRIAL

Following the opening of the trial of Jovica Stanišić and Franko Simatović, the Tribunal reaches an unprecedented level of court activity with no less than 28 accused, regrouped in eight cases, being at different stages in their trial.

In the case *The Prosecutor v. Ljube Bošković and Johan Tarčulovski*, closing arguments were heard from 6 to 8 May, and the Trial Chamber is now considering its Judgement.

Two trials concerning seven accused (Delić and the six accused in the *Milutinović et al.* case: Milan Milutinović, Dragoljub Ojdanić, Nikola Šainović, Vladimir Lazarević, Sreten Lukić and Nebojša Pavković) will be completed in early June and late July, respectively.

The Defence case started on 5 May in the *Prlić et al.* trial (six accused: Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić) and will open on 2 June in the *Popović et al.* trial (seven accused: Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, and Vinko Pandurević).

The Prosecution case continues in the trial of Vojislav Šešelj (which commenced on 7 November 2007) and in the trial of Ante Gotovina, Ivan Čermak and Mladen Markač (which commenced on 10 March 2008).

Only six accused are awaiting the beginning of their trial: Vlastimir Đorđević, Milan Lukić, Sredoje Lukić, Momčilo Perišić, Mićo Stanišić and Zdravko Tolimir. The trial of Momčilo Perišić will commence on 24 July (see article below).

FOUR ACCUSED ARE STILL ON THE RUN: GORAN HADŽIĆ, RADOVAN KARADŽIĆ, RATKO MLADIĆ, STOJAN ŽUPLJANIN.

[29 April](#)

Astrit Haraqija and Bajrush Morina make their initial appearance...

...and both plead not guilty. Astrit Haraqija, former Kosovo Minister for Culture, Youth and Sport, and Bajrush Morina, former political advisor to the Deputy Minister at the Ministry of Culture, Youth and Sport, on 25 April were indicted for contempt of court after allegedly trying to persuade a protected witness not to testify against Ramush Haradinaj.

The witness was granted protective measures in 2005 and his unredacted witness statements disclosed by the Prosecution to the Defence in January and February 2007. The indictment states that upon learning of the identity of the witness in July 2007, Haraqija instructed Morina to travel to the witness's country of residence in order to persuade him not to testify against Haradinaj. The witness did not succumb to the pressure and eventually testified at the trial.

[29 April](#)

Acting Deputy Prosecutor appointed

Appointed with immediate effect, Norman Farrell "will act in this capacity until such time as the new office holder has been formally appointed," reads an internal announcement by Prosecutor Serge Brammertz.

[2 and 5 May](#)

Appeals filed in the Haradinaj et al. case

On 2 May, the Prosecution files its notice of appeal, asking the Appeals Chamber to remit the case to a Trial Chamber for a new trial "to hear direct evidence of witnesses regarding the participation [of the three accused] in a joint criminal enterprise and their individual responsibility" in relation to a number of crimes.

The Notice also includes two additional grounds in respect of Idriz Balaj.

On 5 May, Counsels for Lahi Brahima file their notice of appeal against the Trial Chamber's Judgement convicting the accused of torture and cruel treatment on two counts, and sentencing him to 6 years' imprisonment. The Defence seeks an acquittal or, in the alternative, a reduced sentence.

[5 May](#)

Law students from Bosnia, Croatia and Serbia look backstage

The ICTY Outreach programme hosts a visit by 15 law students from Belgrade, Sarajevo and Zagreb Universities. The visit is part of a week long tour of The Hague legal institutions, sponsored by the Hague Municipality.

The students attending were selected on the basis of a competitive essay writing competition and whilst at the Tribunal received substantive lectures from a number of staff.

[5 May](#)

Prlić et al. trial resumes

The Defence case opens. The trial in this case began on 26 April 2006. The Prosecution completed its case on 24 January 2008 after 246 trial days. On 20 February 2008, the Trial Chamber dismissed the motions for acquittal filed by Valentin Ćorić and Berislav Pušić pursuant to Rule 98bis.

Former high-level leaders or representatives of the Bosnian Croat wartime entity Herceg-Bosna, Jadranko Prlić, Milivoj Petković, Bruno Stojić, Slobodan Praljak, Berislav Pušić, and Valentin Ćorić are accused of war crimes allegedly committed in 1992 and 1993 against Bosnian Muslims and other non-Croats from areas in south western and central Bosnia and Herzegovina.

[7 May](#)

Prosecutor in Berlin

Serge Brammertz meets with the German Foreign Minister and other senior officials.

Over the past weeks, Serge Brammertz visited Brussels, New York, Washington, Belgrade, Paris and London.

[7 May](#)

Tim McFadden to leave the ICTY

The ICTY announces the departure at the end of the month of the Commanding Officer of the Detention Unit, after more than ten years with the Tribunal.

Tim McFadden will be returning to spend more time with his family in his native Ireland.

[8 May](#)

End of the trial of Boškoski and Tarčulovski

The Trial Chamber completes the hearing of the closing arguments and declares the case closed. It will deliver its Judgement in due course.

The former Interior Minister of Macedonia, Ljube Boškoski and his driver/bodyguard, Johan Tarčulovski, stood trial on charges of war crimes committed by forces under their control in Ljuboten (north-western Macedonia) in August 2001 during fighting between Macedonian forces and Albanians.

The trial of Ljube Boškoski and Johan Tarčulovski started on 16 April 2007, and lasted 144 days. The Prosecution, which called 56 witnesses, completed its case on 6 December 2007. The Defence cases commenced on 30 January 2008 and were completed on 18 March 2008: Boškoski called 13 witnesses and Tarčulovski seven.

[8 May](#)

Momčilo Perišić on trial as of 24 July

In the trial of Momčilo Perišić, the Prosecution's Opening Statement will be heard on 24 July 2008, followed on 25 July 2008 by the Opening Statement of the Defence and/or a statement of the Accused, if any at this stage of the proceedings.

Chief of the General Staff of the Yugoslav Army (VJ) from August 1993 until November 1998, Momčilo Perišić was "the most senior officer in the VJ having overall authority and responsibility of its functioning," and "planned, instigated, ordered, committed, or otherwise aided and abetted in the planning, preparation, or execution" of crimes against humanity (murder; inhumane acts; persecutions on political, racial or religious grounds; extermination) and war crimes (murder; attacks on civilians) in Sarajevo, Zagreb and Srebrenica.

Taken into custody on 7 March 2005, Momčilo Perišić was granted provisional release on 11 June 2005.

[9 May](#)

Vinko Martinović is transferred to Italy...

... to serve the remainder of his sentence of 18 years' imprisonment for crimes committed against Bosnian Muslims in the Mostar area of Bosnia and Herzegovina from April 1993 to January 1994.

Martinović (also known as Stela), was commander of a sub-unit of the Convicts' Battalion, which was a military unit founded by his co-accused in this case, Mladen Naletilić, within the Croatian Defence Council (HVO). Sentenced to 20 years, Mladen

Naletilić was transferred to Italy on 24 April 2008.

Vinko Martinovic is the 31st person convicted by the Tribunal currently serving his sentence in one of the 15 states having signed an Enforcement Agreement. Only three individuals definitively sentenced by the Tribunal are awaiting their transfer (Haradin Bala, Stanislav Galić, Dragan Jokić) to serve the remainder of their sentence.

A detailed press release can be found at:

<http://www.un.org/icty/pressreal/2008/pr1248e.htm>

THE COURTROOM SCHEDULE FOR THE PERIOD 13 MAY – 23 MAY...

...reads as follows:

TUESDAY 13 MAY

Courtroom I 14:15 – 19:00, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Milutinović et al**, Trial

WEDNESDAY 14 MAY

Courtroom I 09:00 – 13:45, **Milutinović et al**, Trial
14:15 – 19:00, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial

THURSDAY 15 MAY

Courtroom I 09:00 – 13:45, **Milutinović et al**, Trial
14:15 – 18:30, **Šešelj**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Prlić**, Trial

FRIDAY 16 MAY

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

MONDAY 19 MAY

Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Milutinović et al**, Trial
14:15 – 19:00, **Prlić**, Trial

TUESDAY 20 MAY

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

WEDNESDAY 21 MAY

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

THURSDAY 22 MAY

Courtroom I 09:00 – 13:45, **Milutinović et al**, Trial
14:15 – 19:00, **Gotovina et al**, Trial
Courtroom II 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Pre-defence conference
14:15 – 18:30, **Prlić**, Trial

FRIDAY 23 MAY

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

Public proceedings are also broadcast with a 30 minute delay on the ICTY's website.

PROCEEDINGS COMPLETED WITH REGARD TO 113 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 113 of them: nine have been acquitted, 55 sentenced (three are awaiting transfer, 31 have been transferred, 19 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 48 accused: 10 are at the appeals stage, two are awaiting the Trial Chamber's judgement, 26 are currently on trial, six 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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