



United Nations



International Criminal Tribunal for the former Yugoslavia

The ICTY Digest

Monday 7 July 2008

Highlights of 23/06/2008 through 04/07/2008 - Nr. 40

23 June

President Pocar in Slovenia

At the invitation of the country's President, Danilo Türk, ICTY President Fausto Pocar visits the Republic of Slovenia, which holds the Presidency of the Council of the European Union until 30 June.

During his meetings, the President highlights the Tribunal's achievements, explains the Completion Strategy and discusses the legacy of the ICTY.

A press release has been issued (in English) and is available at:

<http://www.un.org/icty/pressreal/2008/pr1264e.htm>

23 June

Serbia reported to the Security Council

The Tribunal announces that President Fausto Pocar recently reported Serbia to the Security Council due to the failure by the Serbian government to cooperate with the Tribunal in the Milutinović and others case. "The Government of Serbia is challenging the authority of the International Tribunal and the Security Council," President Pocar wrote, concluding that by doing so "is in breach of its international legal obligations".

A press release has been issued (in English) and is available at:

<http://www.un.org/icty/pressreal/2008/pr1265e.htm>

(See also the article on page 2)

24 June

Trial for contempt of Baton Haxhiu

At the conclusion of this one-day hearing, Judge Orić says that "the Chamber will deliver its judgement in due course." The accused will await the Judgement on provisional release.

A journalist from Kosovo, Baton Haxhiu on 21 May pleaded not guilty to one count of contempt of the Tribunal. According to the indictment, Haxhiu revealed in his publication the identity of a protected witness in the trial of Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj.

25 and 26 June

Appeals hearings in the Milan Martić case

A former senior political leader of Croatian Serbs, Milan Martić on 12 June 2007 was sentenced to 35 years' imprisonment for crimes committed during the early nineties against Croats and other non-Serbs in Croatia. Martić was convicted on 16 counts of the indictment including persecutions, murder, torture, deportation, attacks on civilians, wanton destruction of civilian areas and other crimes against humanity and violations of laws and customs of war. He was acquitted on one count of the indictment charging him with extermination.

The Judgement will be rendered in due course.

26 June

Stanišić and Simatović: provisional release affirmed by the Appeals Chamber

The Appeals Chamber dismisses the appeal filed by the Prosecution against the Trial Chamber Decision on 26 May to release Jovica Stanišić and Franko Simatović. This Decision was made following the Decision by the Appeals Chamber to adjourn the trial for at least three months.

A press release has been issued (in English) and is available at:

<http://www.un.org/icty/pressreal/2008/pr1266e.htm>

The two accused were released on 1 July.

27 June

Momčilo Perišić: trial and return from provisional release postponed

Trial Chamber I considers that a number of "matters no longer make the earlier anticipated beginning of the presentation of the evidence in this case feasible." It accordingly decides that the Pre-Trial Conference, initially scheduled for 21 July, will now take place on 24 September, and that the trial will commence on 1 October 2008, instead of 24 July.

The Trial Chamber also revokes its Order of 18 June recalling Momčilo Perišić from provisional release on 14 July.

Among the pending matters taken into consideration by the Chamber are the fact that "lead counsel for the accused submitted a formal request (...) to withdraw from representation on 23 June 2008," that "the ad litem judges appointed to the Trial Chamber for pre-trial proceedings with a view to serving at trial are awaiting approval of their extension by the UN Security Council"; and that "the Prosecution is continuing its efforts to reduce the estimated length of its proposed case-in-chief".

The Trial Chamber also issues a ruling "enjoin[ing] the Prosecution to continue to identify means of reducing the length of its case". The ruling notes that "the current Prosecution estimate of the length of its case would project to an unacceptable overall length of trial of approximately three years."

[1 July](#)

**Prosecutor in
Moscow**

Serge Brammertz meets with Foreign Affairs Minister, Sergej Lavrov. This visit is part of the Prosecutor's regular contacts with UN Security Council member states.

Prosecutor Brammertz and Minister Lavrov discussed issues of relevance to fulfilling the mandate of the ICTY focusing in particular on the completion strategy and the cooperation of states.

[1 July](#)

**Milutinović et al.:
summoned
witness to testify
via video-
conference**

Following the successful service by the Serbian authorities, on Monday 30 June, of the summons to testify to Aleksandar Dimitrijević, Trial Chamber III decides that "in light of the witness's condition of health," he will give his testimony on 8 and 9 July via a video-conference link established between the Courtroom and the ICTY Belgrade Field Office.

Aleksandar Dimitrijević is one of the witnesses whom the Chamber could not secure the appearance before the completion of the evidence phase of the trial in the Milutinović et al. case, on 21 May. A summons had been issued in May for him to appear but was not served by the Serbian authorities. This failure to cooperate with the Tribunal was reported last week by President Pocar to the Security Council.

[2 July](#)

**President Pocar
chairs an
important
meeting on the
Best Practices
Manual project**

President Pocar chairs the meeting of the Working Group established jointly by the ICTY and the UNICRI (UN Interregional Crime and Justice Research Institute). Representatives of the three organs of the Tribunal and UNICRI staff discuss the process of cooperation and the methodology of the Best Practices Manual, agreed upon last April (see ICTY Digest Nr 35).

This meeting represents the first phase in the implementation of the important Best Practices Manual, which aims to preserve the legacy of the Tribunal through the transfer of its best practices to domestic jurisdictions.

[2 July](#)

**Boškoski and
Tarčulovski:
Judgement date
set**

It will be delivered this Thursday, 10 July at 2.15pm.

The trial of Ljube Boškoski and Johan Tarčulovski started on 16 April 2007 and finished on 8 May 2008. The former Interior Minister of Macedonia, Ljube Boškoski, and his driver/body guard Johan Tarčulovski stood trial on charges of war crimes committed by forces under their control in Ljuboten (north-western Macedonia) in August 2001 during the fight between Macedonian forces and ethnic Albanians.

[3 July](#)

**The Appeals
Chamber acquits
Naser Orić**

The Appeals Chamber (consisting of Judge Schomburg, Presiding, Judge Shahabuddeen, Judge Liu, Judge Vaz and Judge Meron) finds that the Trial Chamber failed to make all of the findings necessary to convict a person for command responsibility under the Article 7(3) of the Tribunal's Statute. "Naser Orić's entire conviction rested on that mode of liability," Presiding Judge Wolfgang Schomburg notes. "These errors therefore invalidate the Trial Chamber's decision to convict Naser Orić for his failure to prevent his subordinate's alleged criminal conduct."

The Appeals Chamber underscores that, like the Trial Chamber, it had no doubt that grave crimes were committed against Serbs detained in the two detention facilities in

Srebrenica between September 1992 and March 1993. However, the Appeals Chamber noted that "proof that crimes have occurred is not sufficient to sustain a conviction of an individual for these crimes. Criminal proceedings require evidence establishing beyond reasonable doubt that the accused is individually responsible for a crime before a conviction can be entered."

THE COURTROOM SCHEDULE FOR THE PERIOD 7 – 18 JULY ...

...reads as follows:

MONDAY 7 JULY

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

TUESDAY 8 JULY

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

WEDNESDAY 9 JULY

Courtroom I 09:00 – 13:45, **Prlić**, Trial
14:15 – 19:00, **Milutinović et al**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Šešelj**, Trial
Courtroom III 09:00 – 13:45, **S. Lukić & M. Lukić**, Pre-Trial Conference
14:15 – 19:00, **Popović et al**, Trial

THURSDAY 10 JULY

Courtroom I 09:00 – 13:45, **Prlić**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Šešelj**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial
14:15 – 19:00, **S. Lukić & M. Lukić**, Trial

FRIDAY 11 JULY

Courtroom I 09:00 – 13:45, **S. Lukić & M. Lukić**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

MONDAY 14 JULY

Courtroom I 14:15 – 19:00, **Prlić**, Trial
Courtroom II 14:15 – 19:00, **Gotovina et al**, Trial

TUESDAY 15 JULY

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

WEDNESDAY 16 JULY

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

THURSDAY 17 JULY

Courtroom I 09:30 – 11:30, **Strugar**, Appeals Judgment
14:15 – 19:00, **Prlić**, Trial
Courtroom II 08:30 – 13:15, **Šešelj**, Trial
14:15 – 19:00, **Gotovina et al**, Trial
Courtroom III 09:00 – 13:45, **Popović et al**, Trial

FRIDAY 18 JULY

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

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

PROCEEDINGS COMPLETED WITH REGARD TO 114 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 114 of them: 10 have been acquitted, 55 sentenced (two are awaiting transfer, 31 have been transferred, 20 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 47 accused: nine are at the appeals stage, three are awaiting the Trial Chamber's judgement, 25 are currently on trial, seven are at the pre-trial stage, and three are still at large.

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

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*Extracts of, and/or quotes from, legal documents are not authoritative;
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