



Tuesday 22 December 2009

Highlights of 7/12/2009 through 21/12/2009 - Nr.70

**The next issue of The ICTY Digest will be published on 25 January 2010.
On behalf of the Tribunal, our very best season's greetings.**

[7 December](#)

Prosecutor meets with EU Foreign Ministers

ICTY Prosecutor Serge Brammertz travelled to Brussels today, where he met with the 27 Ministers of Foreign Affairs of the European Union, who were attending the General Affairs Council of the Union. Following his report to the Security Council, on 3 December, the Prosecutor briefed the EU ministers on the work of the OTP and provided an update on the interaction of States of the former Yugoslavia with the OTP.

[8 December](#)

Vukovar Hospital case: Appeals Chamber says it has no power to reconsider its final judgement

The Appeals Chamber (Judges Meron, Presiding, Güney, Pocar, Daqun and Vaz) dismissed a motion by the Defence for Veselin Šljivančanin seeking reconsideration of the appeal judgement rendered on 5 May 2009.

A former JNA officer accused of crimes committed at Vukovar Hospital, Veselin Šljivančanin was convicted of war crimes on 27 September 2007, and sentenced to 5 years' imprisonment. On 5 May 2009, the Appeals Chamber affirmed his conviction for aiding and abetting torture, quashed his acquittal for aiding and abetting murder, and revised his sentence, raising it to 17 years imprisonment.

In its latest decision, the Appeals Chamber recalled that "it is the established jurisprudence of the Appeals Chamber that it has no power to reconsider its final judgements (...)."

[10 December](#)

New website has three times as many readers

The new ICTY website (which was launched on 10 December 2008) received 3.5 million page views over the past 12 months - three times as many as its former incarnation did in 2008.

Many new features have been added over the course of the last year. New tools include a map of the global spread of international criminal justice, a database of case-related press releases, statistics on the over 5,000 ICTY witnesses, and a presentation of the Outreach Programme's "Bridging the Gap" series. Since last April, the site has also hosted the impressive ICTY Court Records database, a powerful public version of the Judicial Database. These additions supplement the news, live feeds of hearings and legal documents that the ICTY adds each day.

The site is one of the legacy tools of the Tribunal. It will continue to transmit the ICTY's principles of judicial transparency and accountability to as many people as possible worldwide. By doing so, the website will perpetuate the Tribunal's legacy of peace, justice and the rule of law in the former Yugoslavia and beyond.

[10 and 16 December](#)

Tolimir case: new indictment, new trial date

On 10 December, judges of Trial Chamber II (Judge Prost, Presiding, Judge Flügge, and Judge Mindua) granted the Prosecution's motion to amend the second amended indictment in the Tolimir case. As a result, the start of the trial (17 December) has been postponed for at least two months, and the Pre-Trial Conference, scheduled for 16 December, has been redesignated as a Status Conference to enable the accused to enter a plea on the new charges.

On 16 December, Zdravko Tolimir pleaded not guilty.

Tolimir was initially indicted on 10 February 2005 on charges of genocide, crimes against humanity and violations of the laws or customs of war in relation to the events in Srebrenica. An intelligence officer and a senior aid to Ratko Mladić, he was arrested on 31 May 2007.

[16 December](#)

ICTY President welcomes the decision to extend the terms of the international judges and prosecutors in Sarajevo

During her weekly press briefing, ICTY spokesperson Nerma Jelačić stated on behalf of the President the following: "Judge Patrick Robinson welcomes the extension by the High Representative of the mandates of the international judges and prosecutors at the Court and Prosecutor's office of Bosnia and Herzegovina (...) The President believes that Bosnia and Herzegovina, like any other country, has the right to comprise its courts of nationals only - but all reports indicate that the time for this is not yet right. The President welcomes the unanimous support of the High Representative and the international community for the work of the Court of BiH and the development of the rule of law in Bosnia and Herzegovina. At the same time, in accordance with the sovereign rights of Bosnia and Herzegovina, he supports the transition of the Court of BiH into a completely domestic institution, staffed solely by national judicial experts and supported by a government in favour of the rule of law, the fight against impunity and the promotion of reconciliation. He calls on the local authorities to show flexibility and find the consensus necessary to create the conditions for the transition of the Court and Prosecutor's office into truly local institutions."

[16 December](#)

Rasim Delić recalled from provisional release

Following the order issued on 2 December scheduling the appeal hearing for 19 January 2010, the Appeals Chamber (Judge Vaz, Presiding, Judge Güney, Judge Pocar, Judge Liu and Judge Meron) ordered Rasim Delić "to return to the UNDU for the duration of the appeal hearing in this case."

On 15 September 2008, Rasim Delić, the former Commander of the Main Staff of the Army of the Republic of Bosnia and Herzegovina (ABiH), was found guilty by a majority of the Trial Chamber of failing to prevent and punish one instance of cruel treatment committed by the El Mujahed Detachment (EMD), part of the 3rd Corps of the ABiH. The Trial Chamber unanimously acquitted Delić of three other counts of murder and cruel treatment for crimes committed by EMD members in the villages of Maline and Bikoši in the Travnik municipality, in the village of Kesten and at the Kamenica Camp. Delić was sentenced to three years' imprisonment. Both parties appealed against the judgement. On 11 May 2009, Delić was granted provisional release.

[16 December](#)

Security Council extends terms of two ad litem Judges

The Security Council unanimously adopted resolution 1900 (2009), allowing Judge Kimberley Prost (Canada) and Judge Ole Bjørn Støle (Norway) to complete the Popović case, scheduled for completion by the end of March 2010. Judge Prost's and Judge Støle's terms were initially intended to expire on 31 December 2009.

The Council also decided that the total number of ad litem judges serving on the Tribunal might temporarily exceed the maximum of 12 and reach a maximum of 13 at any one time, returning to a maximum of 12 by 31 March 2010.

[16 December](#)

Amendment to the RPE

The Rules Committee, chaired by Judge Agius, announced the addition to the Rules of Procedure and Evidence (RPE) of Rule 92 quinquies, entitled "Admission of Statements and Transcripts of Persons Subjected to Interference". The new rule will come into force on 23 December.

The text of the new Rule is available on the Tribunal's website.

The Court Winter Recess takes place from Monday 21 December – Friday 8 January.

COURTROOM SCHEDULE: 11 JANUARY – 29 JANUARY

MONDAY 11 JANUARY

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

TUESDAY 12 JANUARY

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

WEDNESDAY 13 JANUARY

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

THURSDAY 14 JANUARY

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

FRIDAY 15 JANUARY

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

MONDAY 18 JANUARY

Courtroom I 09:00 – 10:30, **Šainović et al**, Status Conference
14:15 – 19:00, **Prlić**, Trial
Courtroom II 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial

TUESDAY 19 JANUARY

Courtroom I 09:00 – 13:45, **Šešelj**, Trial
14:15 – 18:30, **Prlić**, Trial
Courtroom II 09:00 – 13:45, **Gotovina et al**, Trial
14:15 – 19:00, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Delić**, Appeals hearing
14:15 – 19:00, **Delić**, Appeals hearing

WEDNESDAY 20 JANUARY

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

THURSDAY 21 JANUARY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
14:15 – 19:00, **Prlić**, Trial
Courtroom II 14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 14:15 – 19:00, **Đorđević**, Trial

FRIDAY 22 JANUARY

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom II 09:00 – 13:45, **Đorđević**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al**, Trial

PROCEEDINGS COMPLETED WITH REGARD TO 121 ACCUSED

Since the very first hearing (deferral 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 121 of them: 11 have been acquitted, 61 sentenced (three are awaiting transfer, 28 have been transferred, 28 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 40 accused: 13 are at the appeals stage, 24 are currently on trial, and one is at the pre-trial stage. Two fugitives are still at large.

A further 30 individuals have been or are the subject of contempt proceedings.

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