



Tuesday 25 January 2011

Highlights of 20/12/2010 through 21/01/2011 – Nr. 89

22 December

Residual Mechanism established for ICTY and ICTR

The UN Security Council on 22 December adopted a resolution to establish a new body to finish the remaining tasks of the ICTY and the ICTR after the completion of their respective mandates. The International Residual Mechanism for Criminal Tribunals (IRMCT) will have two branches, one for each Tribunal, and will begin functioning on 1 July 2012 for the ICTR and 1 July 2013 for the ICTY. The seat of the two branches of the Residual Mechanism will be determined through separate agreements between the UN and the Host States, and subject to approval by the Security Council.

The Mechanism will continue the jurisdiction, rights and obligations, and essential functions of the ICTY and the ICTR. In the resolution, the Council concluded that "international residual mechanism should be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions".

The Council requested the ICTY and ICTR to take all possible measures to complete their work no later than 31 December 2014. States where fugitives are suspected to be at large are asked to step up their cooperation with the Tribunals and the Mechanism and secure the arrest or surrender of the remaining indictees.

12 January

Perišić case: Defence rested

The Defence has rested its case in the trial of Momcilo Perišić. The court will reconvene to hear the evidence of one further rebuttal witness for the Prosecution on a date to be determined. In total, 82 viva voce witnesses have been called by the Prosecution and approximately 22 by the Defence. There have been 198 hearing days since the trial began in October 2008. Perišić, Chief Of the General Staff of the Yugoslav Army (VJ) from around 26 August 1993 until 24 November 1998, was, according to the indictment, "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.

12 January

Prosecutor in Brussels

On 12 January, ICTY Prosecutor Serge Brammertz met with the Committee on Foreign Affairs of the European Parliament in Brussels. The Prosecutor briefed the Committee on the cooperation of States, in particular Bosnia and Herzegovina, Croatia, and Serbia.

13 January

President Robinson to become ASIL honorary member

Tribunal president, Judge Patrick Robinson, is to receive the exceptional honour of the award of honorary membership in the American Society of International Law. This award is only conferred upon one person per year who is not a United States citizen and who has rendered a distinguished contribution or service in the field of international law. Former honorary members of the Society have included Hans Corell, Navanethem Pillay, Ian Brownlie, Rosalyn Higgins, Boutros Boutros-Ghali, Mohammed Shahabuddeen, Mary Robinson, Kofi Annan, Louise Arbour, and Hans Blix.

President Robinson will receive the award at the opening lecture of the ASIL's 105th annual meeting, which will be held on 23 March 2011 in Washington, DC.

13 January

ICTY conducts training session for Croatian legal professionals

The ICTY recently held a two-day pilot training session for judges and prosecutors from various county courts in Croatia as part of the War Crimes Justice Project (WCJP). The goal of the training, which took place at the Judicial Academy in Zagreb, is to transfer the Tribunal's institutional knowledge and specialised skills to jurisdictions in the Croatia, thereby enhancing their capacity to handle complex war crimes cases. The training was intended to strengthen the ability of the Tribunal's Croatian counterparts to locate and seek ICTY information and materials relevant to their work, and will cover the use of the website and databases such as the ICTY Court Records Database and the Appeals Chambers Case Law Research Tool. It also covered making requests to the ICTY for legal assistance and for variation of protective measures under the Tribunal's Rules of Procedure and Evidence. Similar training took place in Belgrade and Sarajevo at the end of last year. Further training sessions are scheduled to be held in the region over the next three months.

[14 January](#)

**Honorary
Doctorate for
Judge Meron**

On 14 January, Judge Meron was in Poland, where he was awarded a doctorate of law *honoris causa* by the Senate of the University of Warsaw. The ceremony took place in the university's Rector's Palace.

Judge Meron is a member of the American Academy of Arts and Sciences, honorary President of the American Society of International Law, member of the Institute of International Law, and of the Council on Foreign Relations. Since 1977, Judge Meron has been a Professor of International Law and is Charles L. Denison Professor Emeritus at New York University Law School. He has been a judge on the ICTY Appeals Chamber since 2001.

[17 January](#)

**Trbić genocide
verdict upheld by
Court of BiH**

The Appellate Panel of the War Crimes Court of BiH recently rendered its verdict in the case of Milorad Trbić, upholding in its entirety the 2009 trial judgement.

A former security officer in the Zvornik Brigade of the Bosnian Serb Army, Trbić was originally indicted by the ICTY. His case was later referred to the authorities in BiH in accordance with Rule 11bis, and he was transferred on 11 June 2007; his trial began on 8 November of the same year. On 16 October 2009, Trbić was sentenced to 30 years in prison after being found guilty of genocide for participating in a joint criminal enterprise the common purpose of which was to "capture, detain, summarily execute and bury all able-bodied Bosniak males from the Srebrenica enclave."

[17 January](#)

**EU gives ICTY
Outreach one
million euros**

The European Union has granted one million euros through the European Instrument for Democracy and Human Rights for the ICTY's Outreach activities to be carried out in 2011 and 2012 across the region of the former Yugoslavia. The EU has been a long-term supporter of the Tribunal's Outreach Programme, which largely depends on voluntary contributions.

Commenting on the grant, the Registrar, John Hocking, said: "I am very pleased that the European Union continues to give our Outreach Programme the support and trust it deserves. We are entering the last phase of the Tribunal's mandate and with it the importance of outreach only increases. The Tribunal's achievements are vast, which is why we must ensure an enhanced presence in the region through information campaigns and healthy debates if we are to leave behind a positive legacy after our mandate is completed."

[18 January](#)

**ICTY judges hold
peer to peer
meeting with
judges from the
region**

Tribunal judges recently met with their peers from Croatia, Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia, and Kosovo to share experiences in adjudicating war crimes cases. Some 20 judges, mainly from appellate courts in the region, participated in the meeting with ICTY judges Fausto Pocar and Carmel Agius. The assembled judges discussed several topics including the protection of witnesses and victims, the definition of "civilians" in war crimes cases and the role of appellate judges in reviewing cases. Judge Pocar stated that sharing common experiences with judges in these courts strengthens the local judiciary but also enhances the work of the judges at all levels. "It is not just about the transfer of technical resources or knowledge, but it comes to sharing experiences, because we all have the same goal and we are faced with common problems in working on cases," concluded Judge Pocar.

The peer to peer meetings form part of the regional War Crimes Justice Project led by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) which aims to enhance the capacity of legal professionals in the region in the processing of complex war-crimes cases.

The War Crimes Justice Project is a 4-million euro regional project funded by the European Union and carried out by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in partnership with the ICTY, the UN Interregional Crime and Justice Research Institute, and OSCE field operations.

[21 January](#)

**ICTY delivers new
set of transcripts
to BiH, Croatia and
Serbia**

The ICTY has delivered its latest consignment of transcripts produced in local languages to the authorities in Bosnia and Herzegovina, Croatia and Serbia. The approximately 2,000 pages were delivered as part of the War Crimes Justice Project, which aims to enhance the capacity of regional judiciaries to handle complex war crimes cases and assist the transfer of knowledge and materials from the ICTY to the former Yugoslavia. The provision of transcripts in the local languages is expected to improve the ability of legal practitioners in the region to access and utilise testimony given before the ICTY.

The transcripts are being produced in the local languages from the audio recordings of the ICTY court hearings. Until October 2010, the trial transcripts were available only in English and French, the official languages of the ICTY.

"These transcripts are of precious assistance and will speed up the process of determining the full individual responsibility for war crimes committed during the 1990s," said the office of the War Crimes Prosecutor in Serbia.

COURTROOM SCHEDULE: 24 JANUARY – 4 FEBRUARY

Public proceedings are broadcast with a 30-minute delay on the ICTY website.

TUESDAY 25 JANUARY

Courtroom I	09:00 – 12:30, Karadžić , Trial
Courtroom II	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

WEDNESDAY 26 JANUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom II	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

THURSDAY 27 JANUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom II	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

FRIDAY 28 JANUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial

MONDAY 31 JANUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom III	09:00 – 13:45, Stanišić & Župljanin , Trial 14:15 – 19:00, Tolimir , Trial

TUESDAY 1 FEBRUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom II	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	14:15 – 19:00, Tolimir , Trial

WEDNESDAY 2 FEBRUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom II	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Tolimir , Trial

THURSDAY 3 FEBRUARY

Courtroom I	09:00 – 14:30, Karadžić , Trial
Courtroom II	14:15 – 19:00, Stanišić & Simatović , Trial
Courtroom III	09:00 – 13:45, Tolimir , Trial

FRIDAY 4 FEBRUARY

No hearings scheduled

FACTS & FIGURES

161 INDIVIDUALS INDICTED

Since the very first hearing (a 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 125 of them: 12 have been acquitted, 64 sentenced (four are awaiting transfer, 25 have been transferred, 31 have served their term, and three died while serving their sentence), 13 have had their cases transferred to local courts.

125 Total number of accused whose proceedings have been completed.

36 Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).

36 Proceedings are on-going with regard to 36 accused: 13 are at the appeals stage, 18 are currently on trial, and three are at the pre-retrial stage. Two fugitives are still at large.

33 A further 33 individuals have been or are the subject of contempt proceedings.

THE WAR CRIMES JUSTICE

PROJECT aims to facilitate the transfer of knowledge and materials from the ICTY to legal professionals in the former Yugoslavia, thereby enhancing the capacity of judiciaries in the region to handle complex war crimes cases.

The project is funded by the European Union and implemented by the ICTY in partnership with the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and OSCE field operations in the region.

www.icty.org/sections/Outreach/CapacityBuilding

16,000 Total number of pages of ICTY court hearing audio material transcribed to date.

4,500 Total number of transcript pages delivered to the regional judiciaries between October and December 2010.

60,000 Total number of pages that will be transcribed under the scope of the project

25 Total number of legal support staff employed under the Project at the judicial institutions in BiH and Serbia, with seven more expected to be hired in BiH and Croatia in the near future.

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www.icty.org

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.

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