



Monday 10 October 2011

Highlights of 19/09/2011 through 07/10/2011 – Nr. 103

## 20 September

### Tolimir trial: Defence case scheduled

The Defence in the case against Zdravko Tolimir will begin on 10 January 2012, according to a scheduling order issued by the Trial Chamber. The pre-Defence conference will be held on 9 January. The Prosecution case will be considered as closed as of 27 September, save for the testimony of one more witness if it is heard after that date.

Tolimir is charged with genocide, conspiracy to commit genocide, crimes against humanity and violations of the laws or customs of war committed between July and November 1995 against Bosnian Muslims in Srebrenica and Žepa. During this period, Tolimir was the Assistant Commander for Intelligence and Security of the Main Staff of the VRS. In this position, Tolimir was one of seven Assistant Commanders who reported directly to Ratko Mladic, the Commander of the Main Staff of the VRS. Among more than a dozen incidents of large-scale murder, the indictment alleges that Tolimir supervised the VRS detachment that summarily executed more than 1,700 Muslim men and boys at the Branjevo Military Farm and the Pilica Cultural Centre.

*The initial indictment against Tolimir was confirmed on 10 February 2005 and made public on 25 February 2005. He was arrested on 31 May 2007 and transferred into the custody of the Tribunal on 1 June 2007. His trial commenced on 26 February 2010.*

## 27 September

### Croatian witness support professionals visit the ICTY

The Tribunal's Outreach Programme recently hosted a group of witness support professionals from Croatia on a one-day study visit to the ICTY. The visit took place as part of the Tribunal's ongoing efforts to increase co-operation and knowledge sharing with members of the judiciary in the former Yugoslavia.

The visiting group consisted of five witness support professionals, including representatives from the ministries of Interior and Justice, the State Attorney's Office and county courts of Zadar and Velika Gorica.

Commenting on the visit, Nikica Hamer Vidmar, Head of the Department for Victims and Witnesses Support with the Croatian Ministry of Justice, said: *"We welcome this opportunity to learn more about the Tribunal's unique experience in providing support to victims and witnesses. Practical knowledge gained this week will be directly applicable in our daily work with witnesses."*

During the visit, the participants attended meetings with members of the Tribunal's groundbreaking Victims and Witnesses Section. They were given a presentation on the mandate and functions of the Section, and also took part in discussions on how to work with severely traumatised witnesses and how to deal with the emotional impact that work with witnesses may have on support professionals.

## 28 September

### Kabashi denied early release

On 28 September, President Robinson issued a decision denying early release to Shefqet Kabashi.

On 16 September, a Trial Chamber sentenced Kabashi to two months in prison for contempt of the Tribunal. Kabashi, a former member of the KLA, was charged with contempt of court on 5 June 2007 for having refused or failed to answer questions while testifying before the Trial Chamber in the Haradinaj et al. case. On 26 August, during his further initial appearance, Kabashi pleaded guilty to the charges.

In his decision, President Robinson stated that, although Kabashi having served two-thirds of his sentence "mitigates in favour of his early release", the fact that his crimes were of a "serious nature" and "threaten the effective functioning of the Tribunal" warranted a denial of his application.

The full text of President Robinson's decision can be found:

[www.icty.org/x/cases/contempt\\_kabashi/presdec/en/110928.pdf](http://www.icty.org/x/cases/contempt_kabashi/presdec/en/110928.pdf)

**30 September****Chamber rejects  
Šešelj's request  
to discontinue  
proceedings**

On 30 September, a Trial Chamber rejected Vojislav Šešelj's request to discontinue proceedings in his case, finding that he had failed to prove that his right to a trial within a reasonable period had been violated.

In its decision, the Chamber referred to its earlier decision of 10 February 2010, in which it argued that according to international and European jurisprudence, "there is no predetermined threshold with regard to the time period beyond which a trial may be considered unfair on account of undue delay."

The Chamber further argued that Šešelj failed to provide concrete proof of abuse of process, besides the fact that his trial is still ongoing. According to the Chamber, Šešelj's comparison of the length of his detention to that of other accused in other national and international jurisdictions is not relevant and notes that some trials have far exceeded the length of his.

The Chamber also noted that since its decision of 10 February 2010, proceedings have not been delayed or suspended and that Šešelj has not requested to be provisionally released.

**30 September****Rašić contempt  
case: trial  
scheduled**

A scheduling order issued by the Trial Chamber in the case set the date of 9 January 2012 for the commencement of the contempt trial of Jelena Rašić. The pre-trial conference will be held on the same day.

Rašić, a former case manager on Milan Lukić's Defence team, is charged with five counts of contempt of court for allegedly bribing witnesses into making false statements. One of the witnesses in question, Zuhdija Tabaković, was in March 2010 sentenced to three months' imprisonment after pleading guilty to contempt charges.

**5 October****Tribunal hosts a  
study visit for  
judges and  
prosecutors from  
Kosovo**

The Tribunal's Outreach Programme recently welcomed a group of six judges and five prosecutors from Kosovo for a two-day study visit.

Commenting on the visit, Judge Fausto Pocar said: *"It is with great pleasure that I welcome our colleagues from Kosovo to the Tribunal to exchange views and expertise on the adjudication of war crimes cases. I am confident that our interaction will result in a greater understanding of the common challenges we face in carrying out our work and methods to overcome those challenges."*

The visit was organised as part of the EU-funded War Crimes Justice Project, which is 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.

*"The visit's programme was developed in close consultation with the practitioners and the Kosovo Judicial Institute to meet the needs of the participants. The ICTY adjusted the programme closely to their needs,"* said Romana Schweiger, ODIHR Regional Coordinator of the WCJP.

The visiting judges held peer-to-peer discussions with the Tribunal's judges on a number of topics, including witness protection, judgement drafting, challenges in adjudicating war crimes, procedural tools to expedite war crimes proceedings and access to ICTY evidence and legal material.

# COURTROOM SCHEDULE: 10 OCTOBER – 21 OCTOBER

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

MONDAY 10 OCTOBER	Courtroom I	10:30 – 13:45	Tolimir	Trial
		14:15 – 19:00	Tolimir	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
TUESDAY 11 OCTOBER	Courtroom II	14:15 – 19:00	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
WEDNESDAY 12 OCTOBER	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
THURSDAY 13 OCTOBER	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
FRIDAY 14 OCTOBER	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
MONDAY 17 OCTOBER	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
TUESDAY 18 OCTOBER	Courtroom I	09:00 – 15:00	Karadžić	Trial
	Courtroom II	14:15 – 19:00	Stanišić & Simatović	Trial
	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial
WEDNESDAY 19 OCTOBER	Courtroom I	09:00 – 12:30	Karadžić	Trial
		14:00 – 15:30	Karadžić	Trial
	Courtroom II	14:15 – 19:00	Stanišić & Simatović	Trial
	Courtroom III	10:00 – 13:00	Popović et al.	Status Conference
		14:15 – 19:00	Stanišić & Župljanin	Trial
THURSDAY 20 OCTOBER	Courtroom I	11:30 – 17:30	Karadžić	Trial
	Courtroom II	09:00 – 13:45	Stanišić & Simatović	Trial
	Courtroom III	14:15 – 19:00	Stanišić & Župljanin	Trial
FRIDAY 21 OCTOBER	Courtroom III	09:00 – 13:45	Stanišić & Župljanin	Trial

## 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 126 of them: 13 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.

- 126** 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).
- 35** Proceedings are on-going with regard to 35 accused: 16 are at the appeals stage, 17 are currently on trial, and two are at the pre-trial stage.
- 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](http://www.icty.org/sections/Outreach/CapacityBuilding)

- 57,000** Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.
- 18,500** Total number of transcript pages delivered to the regional judiciaries between October 2010 and September 2011.
- 22,000** Total number of pages publicly available on the ICTY Court Records Database to date: <http://icr.icty.org/>
- 157** Total number of legal professionals from regional judiciaries who have so far received training on searching and accessing publicly available ICTY material.

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[www.icty.org](http://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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