



Tuesday 22 March 2011

Highlights of 28/02/2011 through 18/03/2011 – Nr. 92

2 March

Prlić et al. trial completed

Closing arguments in case of Prlić et al. were recently completed.

The trial of Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić, and Berislav Pušić commenced on 26 April 2006. The Prosecution completed its case on 24 January 2008 and the Defence case commenced on 5 May 2008, officially closing on 17 May 2010.

The charges against the six accused focus on the ethnic cleansing of Bosnian Muslims and other non-Croats from areas in Bosnia and Herzegovina which were claimed to be part of the so-called Herceg-Bosna, declared as a political and territorial entity in November 1991. The charges include, among other things, murder, rape, sexual assault, destruction of property, imprisonment, deportation and forcible transfer.

The Prosecution is seeking sentences of between 25 and 40 years of imprisonment for the six defendants, the various Defence teams have all called for acquittals. The proceedings now stand adjourned sine die and a judgement will be rendered in due course.

2 March

Stanišić and Simatović: Rule 98 bis hearing

Rule 98 bis submissions in the Stanišić and Simatović case (should there be any) will be heard on 7, 8, 11, and 12 April, according to a scheduling order released by the Trial Chamber.

Rule 98 bis of the Tribunal's Rules of Procedure and Evidence states that after the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule on whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charges, it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of Defence evidence.

Should a hearing be necessary, each Defence team will be granted three hours and 30 minutes in which to address the Chamber, and that the Prosecution shall then address the Chamber in response, with its submissions not exceeding a total of four hours. There shall then follow replies by the Defence, followed by the Prosecution which are not to exceed one hour in length for each Defence team and one hour 30 minutes for the Prosecution.

4 March

Tribunal delivers transcripts to BiH and Croatia

The ICTY has delivered another set of trial transcripts produced in local languages to the authorities in Bosnia and Herzegovina (BiH) and Croatia, as part of a project that aims to enhance the capacity of judiciaries in the region of the former Yugoslavia to handle complex war crimes cases.

The War Crimes Justice Project is a 4-million euro regional project funded by the EU 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.

Dragan Novosel, Croatian Deputy State Prosecutor, explained how his office values the cooperation established with the ICTY through the Project, including the receipt of priority transcripts produced in the local languages. "Thanks to this project, prosecutors in Croatia can more easily assess the probative value of the available ICTY material and use them in war crimes proceedings currently under way before national courts", he said. Deputy State Prosecutor Novosel added that "the project significantly facilitates the accomplishment of the common goal of prosecuting war crimes committed during the 1990s on the territory of the former Yugoslavia by the prosecutors in the region."

Since the launch of the WCJP in September 2010, the ICTY has delivered 7,000 pages of public trial transcripts to the authorities in Croatia, Serbia and BiH.

7 March

Šešelj case: Rule 98 bis hearing held

The Rule 98 bis hearing in the Šešelj war crimes case was held on 7, 8, & 9 March. The accused was given 3.5 hours to present his arguments, the Prosecution then have 4 hours to respond, and, finally, Šešelj was then be given a further 30 minutes to speak.

Vojislav Šešelj was appointed President of the newly founded Serbian Radical Party (SRS) on 23 February 1991, he is on trial for allegedly participating in a joint criminal enterprise, the purpose of which was the permanent forcible removal, through the commission of crimes, of a majority of the Croat, Muslim and other non-Serb populations from approximately one-third of the territory of Croatia and large parts of Bosnia and Herzegovina, and from parts of Vojvodina, in order to make these areas part of a new Serb-dominated state.

14 March**Judgment
scheduled in case
of Gotovina et al.**

The judgement in the trial of Ante Gotovina, Ivan Čermak and Mladen Markač will be rendered on Friday 15 April at 11 a.m. in Courtroom I, according to a scheduling order issued by the Trial Chamber.

Gotovina, Čermak and Markač are charged with crimes allegedly committed during the 1995 Operation Storm military offensive in Croatia. Their trial commenced on 11 March 2008 and concluded on 11 June last year. Within a total of 303 trial days, 81 OTP witnesses and 57 Defence witnesses testified. The Chamber called seven witnesses.

In its final brief, the Prosecution recommended that the Chamber sentence Gotovina to 27 years', Markač to 23 years' and Čermak to 17 years' imprisonment. The Defence has asked for all three to be acquitted.

16 March**Blagoje Simić
granted early
release**

Blagoje Simić, a former high-ranking civilian official in the Bosanski Samac municipality of north-eastern Bosnia and Herzegovina, has been granted early release and has left the British prison where he had been serving his sentence.

On 28 November 2006, the Appeals Chamber upheld Simić's conviction for aiding and abetting persecutions, as crimes against humanity, through the unlawful arrests and detention of non-Serb civilians, the confinement of non-Serb prisoners in inhumane conditions, the forced labour by Bosnian Croats and Bosnian Muslims, and the forced displacement of non-Serb civilians. He was sentenced to 15 years in prison. On 27 March 2007, Simic was transferred to the UK to serve the remainder of his sentence.

In his 15 February decision (which has been confidential until now), the President notes that, while the gravity of Simić's crimes is very high, the time that he has served in detention and his demonstration of rehabilitation militate in favour of his release. Accordingly, Simic was released on Wednesday, 16 March.

The full text of the President's decision is available at:

<http://www.icty.org/x/cases/simic/presdec/en/110215.pdf>.

16 March**ICTY donates
books to Kosovo
Universities and
Centre for
Human Rights**

The Tribunal recently made a significant donation of legal journals to the Law Faculty libraries of the Universities of Pristina and Prizren as well as to the Centre for Human Rights, which is located at the University of Pristina.

The donation included a large number of copies of the Foreign Policy Magazine, the Journal of International Affairs, the Magazine of the International Red Cross and Red Crescent Movement, the Human Rights and Criminal Law quarterlies, as well as the ICTY Judicial Reports and other legal manuals and books on legal theory and practice.

"The ICTY's generous book donation to the Centre for Human Rights plays an important role in strengthening the Centre's potential to provide educational resources in the field of human rights, especially regarding issues related to war crimes, crimes against humanity and genocide," said Valon Murati, Director of the Human Rights Centre of the University of Pristina.

This is the second time the Tribunal has donated legal journals to the Law Faculty and Human Rights Centre of Pristina University. The first donation was made on 6 August 2010 and included an extensive anthology of the American Journal of International Law, ICTY Judicial Reports and the European Journal of International Law.

The Tribunal is committed to promoting respect for the rule of law which is of paramount importance in building modern societies and advancing those values, especially among the younger generation of Kosovans.

As the ICTY moves towards the completion of its mandate, the Outreach Programme is intensifying its efforts to increase the local communities' access to and understanding of the international criminal justice system and the Tribunal's achievements within it.

The Programme is generously supported by the European Union.

17 March**ICTY holds
training for
Croatian legal
professionals**

The Tribunal yesterday began a two-day training session with judges and prosecutors from County Courts and Prosecutor Offices in Osijek, Slavonski Brod and Vukovar, in Croatia, as part of the War Crimes Justice Project (WCJP).

The goal of the training, which is taking place at the Judicial Academy in Osijek, is to share the Tribunal's institutional knowledge and specialised skills with jurisdictions in the region, thereby enhancing their capacity to handle complex war crimes cases.

The training is intended to strengthen the ability of the Tribunal's local counterparts to locate and seek ICTY information and materials relevant to their work and will cover the use of databases such as the website, the ICTY Court Records Database and the Appeals Chamber's Case Law Research Tool. It will also cover making requests to the ICTY for legal assistance and for variation of protective measures under the Tribunal's Rules of Procedure and Evidence.

The training follows a similar session for legal professionals held in Zagreb on 13 and 14 January 2011. Since the launch of the WCJP in July 2010, similar training has taken place in Belgrade, Sarajevo and Podgorica. Further training sessions are scheduled in the region throughout the course of the project.

17 March

**ICTY conducts
joint advocacy
training in BiH**

The Tribunal yesterday began a three-day advocacy training session with judges, prosecutors and defence lawyers from across Bosnia and Herzegovina (BiH), as part of the War Crimes Justice Project (WCJP).

The goal of the training, which is taking place in cooperation with the Centre for Judicial and Prosecutorial Training of the Federation of BiH (CEST) in Sarajevo, is to provide judges, prosecutors and defence lawyers with the additional skills to conduct opening statements, direct and cross examinations of witnesses and closing arguments.

This is the first advocacy training of the kind to be held in the region as part of the WCJP. The training is led by ICTY Judge Bakone Justice Moloto, ICTY Prosecutor Paul Rogers and Defence Counsel Vasvija Vidović from the Association of Defence Counsel practising before the ICTY.

"The advocacy seminar is party neutral and helps counsel to present their cases more effectively. The judges are here to observe this process. With judges, prosecutors and defense attorneys working together, we can eliminate differences in expectations and can agree on what is acceptable and what is not acceptable in the course of presenting the case. There are always two versions, one from the defense and one from the prosecutor, and they both want to persuade the judge," commented Judge Moloto.

Judges from cantonal courts in Bihać, Sarajevo, Tuzla and Zenica and district courts in Banja Luka, Doboj and Sarajevo are taking part in the training. Prosecutors from the Office of the Prosecutor of Bosnia and Herzegovina as well as those from the cantonal prosecutor's offices in Mostar and Sarajevo, the district prosecutor's office in Banja Luka and the Brčko District prosecutor's office are also attending. A number of defence lawyers from the Chamber of Advocates of Republika Srpska and the Federation of BiH are also taking part in the training.

COURTROOM SCHEDULE: 22 MARCH – 1 APRIL

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

TUESDAY 22 MARCH
Courtroom I 09:00 – 13.45, **Tolimir**, Trial

WEDNESDAY 23 MARCH
Courtroom I 09:00 – 13.45, **Tolimir**, Trial

THURSDAY 24 MARCH
Courtroom I 09:00 – 13.45, **Tolimir**, Trial

FRIDAY 25 MARCH
No hearings scheduled

MONDAY 28 MARCH
Courtroom I 09:00 – 13.45, **Perišić**, Trial
Courtroom III 14:15 – 19:00, **Tolimir**, Trial

TUESDAY 29 MARCH
Courtroom I 09:00 – 13.45, **Perišić**, Trial
Courtroom III 14:15 – 19:00, **Tolimir**, Trial

WEDNESDAY 30 MARCH
Courtroom I 09:00 – 13.45, **Perišić**, Trial
Courtroom III 14:15 – 19:00, **Tolimir**, Trial

THURSDAY 31 MARCH
Courtroom I 09:00 – 13.45, **Perišić**, Trial
Courtroom III 14:15 – 19:00, **Tolimir**, Trial

FRIDAY 1 APRIL
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

- 22,000** Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.
- 7,000** Total number of transcript pages delivered to the regional judiciaries between October 2010 and March 2011.
- 60,000** Total number of pages that will be transcribed under the scope of the project
- 60** 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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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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