



MICT

1 July 2013

Mechanism for International Criminal Tribunals begins work in The Hague

The launch of the Hague branch of the Mechanism for International Criminal Tribunals (MICT or Mechanism) was marked by a ceremony held at the ICTY, which brought together over 200 international officials, government representatives from the former Yugoslavia, judges and staff of the ICTY and MICT, senior ICTR officials and the media.

The ceremony was opened by Judge Theodor Meron, President of the MICT and the ICTY, and featured a keynote speech by Ms Patricia O'Brien, the United Nations Under-Secretary-General for Legal Affairs. Mr Ivo Opstelten, the Minister of Security and Justice of the Netherlands; Mr Jozias van Aartsen, the Mayor of The Hague; Mr Serge Brammertz, Prosecutor of the ICTY; Mr Hassan Bubacar Jallow, Prosecutor of the MICT and the ICTR; and Mr John Hocking, Registrar of the MICT and the



ICTY also delivered remarks.

The establishment of the Mechanism is an important part of the ICTY's and ICTR's Completion Strategies. The Mechanism is tasked with the continuation of essential functions of both Tribunals and the preservation of their legacies

President Meron said: "These two Tribunals have demonstrated that a shared commitment to accountability can and will win out over impunity, that heinous crimes can be punished, whoever their architects may be - and that principled justice, fair and impartial justice, is the only way to uphold the rule of law. It is on these strong foundations that the Mechanism itself can now rise up and take its place among the international institutions here in the International City of Peace and Justice."

The full statements given by the Mechanism's President, Prosecutor and Registrar can be found on the [MICT website](#).

IN THE COURTROOMS

11 July 2013



Appeals Chamber reverses Karadžić's 'municipalities' genocide acquittal

The ICTY Appeals Chamber has unanimously reversed Radovan Karadžić's acquittal for genocide in certain municipalities of Bosnia and Herzegovina, entered under Rule 98 bis at the close of the Prosecution case. The Appeals Chamber remanded the matter to the Trial Chamber for further action consistent with the appeal judgement.

At the Rule 98 bis stage of a trial, after the Prosecution has presented evidence but before the Defence does so, a trial chamber considers whether a reasonable trier of fact could be satisfied beyond reasonable doubt of the guilt of the accused on a particular charge or charges. If no reasonable trier of fact could find that evidence adduced by the Prosecution, taken at its highest, proves guilt beyond reasonable doubt, a trial chamber enters a verdict of acquittal.

At a hearing on 28 June 2012, Trial Chamber III entered a judgement of acquittal against Karadžić in relation to count 1 of the indictment, which alleges that he was responsible for genocide through his participation in a joint criminal enterprise that aimed to permanently remove Bosnian Muslims and Bosnian Croats from certain municipalities in Bosnia and Herzegovina.

The Appeals Chamber underscored that its judgement did not assess the credibility of the evidence against Karadžić, but instead considered the Trial Chamber's application of Rule 98 bis. The Appeals Chamber held that the Trial Chamber erred by finding that evidence adduced by the Prosecution, taken at its highest, was incapable of proving certain types of genocidal acts or that Karadžić possessed relevant genocidal intent.

The [Appeals Chamber judgement](#) can be found on the ICTY website.

VISITS

16 July 2013



Tribunal hosts Croatian judges and trial monitors

On 16 July, the Tribunal's Outreach Programme welcomed five war crimes judges and a group of war crimes trial monitors from Croatia on a two-day visit to the ICTY. The visit was organised by the Croatian NGO Dokumenta in association with the Office of the Secretary General of the Organisation for Security and Cooperation in Europe (OSCE).

The visit formed part of the Tribunal's ongoing efforts to strengthen cooperation with members of the judiciary and civil society from the former Yugoslavia and to promote better understanding of the ICTY's mandate, practices and legacy.

The judges and trial monitors attended presentations on a variety of topics, including the impact of the Tribunal's judgements in the region and the provision of support to victims and witnesses. They met with Judge Moloto, Judge Morrison, and other senior representatives of the ICTY's Chambers. The group also had the opportunity to meet with members of the Office of the Prosecutor, including the head of the Transition Office, with whom they discussed the transfer of knowledge and evidence from the Tribunal to local courts in Croatia.

Francesco Moneta, Legal Officer at the OSCE Secretariat, said: "We are confident that judges and NGO monitors, in their respective roles, will utilise the Tribunal's legacy for the common goal of promoting the rule of law and serve as a role model in the region."

IN THE COURTROOMS

18 July 2013



Krstić cleared of contempt charge

A Trial Chamber has acquitted Radislav Krstić, former commander of the Drina Corps of the Bosnian Serb Army, of one charge of contempt of the Tribunal. Krstić was charged with contempt for failing to comply with, or to show good cause why he could not comply with, a subpoena ordering him to testify in the case of Radovan Karadžić.

The majority of the Chamber, Judge Kwon dissenting, decided that Krstić had a reasonable excuse to refuse to testify, due to his medical condition. After having considered testimony and medical reports, the Chamber was satisfied that the accused is suffering from post traumatic stress disorder, as contended by Krstić to be the grounds for his refusal to give evidence. Moreover, the Chamber found that that Krstić's mental state had deteriorated since he received the subpoena.

Therefore, considering the entirety of the evidence, the majority concluded, Judge Kwon dissenting, that "the severity of the medical condition of the accused and the possible aggravation of that medical condition as a result of his testimony before the Karadzic Chamber, would amount to a reasonable excuse for the refusal of the accused to testify"

A [public redacted version of the judgement](#) can be found on the ICTY website.

OUTREACH



Outreach documentary on Prijedor broadcast across BiH

The Outreach Programme's documentary about wartime crimes committed in Prijedor, north-west Bosnia and Herzegovina (BiH), was broadcast across BiH in June.

Viewers of 12 local television stations in BiH and satellite audiences in the US, Canada and northern Europe had an opportunity to see Crimes before the ICTY: Prijedor, which was produced by the Outreach Programme earlier this year. The broadcast was facilitated through a special edition of TV Justice, a monthly TV magazine by Balkan Investigative Reporting Network.

The film is the second in a planned series of Outreach documentaries examining the Tribunal's contribution to the prosecution and adjudication of crimes committed in the former Yugoslavia during the 1990s.

Crimes before the ICTY: Prijedor is now available for viewing on the ICTY's [YouTube channel](#).



OUTREACH

ICTY
Annual
Outreach
Report
2012

Tribunal showcases Outreach Programme in Annual Report

The Tribunal's Outreach Programme has published its annual report, highlighting the Tribunal's efforts to provide information to people from the former Yugoslavia and around the world about the ICTY's work during 2012.

'Although the Tribunal's judicial mandate is drawing to a close, the impact of its work and the achievements will resonate for many years to come in the region of the former Yugoslavia, in international and national courtrooms, and around the world. I am proud of the steps taken in 2012 to preserve and strengthen this invaluable legacy and grateful to the staff of the Outreach Programme for all their efforts over the past year' writes ICTY President Theodor Meron in his foreword to the report.

The report spans the full range of the Outreach Programme's activities in 2012, and also includes outreach activities undertaken by the ICTY President's office and the Office of the Prosecutor - from youth and media outreach to work with grassroots communities and judicial capacity-building. An analysis of the impact of Outreach's enhanced presence on the web through its new social media platforms is also presented.

The report is available on the ICTY website in [English](#), [French](#) and [Bosnian/Croatian/Serbian](#) and will be distributed to the Outreach Programme's stakeholders in the region of the former Yugoslavia and around the world.

STATUS OF CASES

CASES AT TRIAL

Hadžić	<ul style="list-style-type: none"> • Trial commenced on 16 October 2012.
Karadžić	<ul style="list-style-type: none"> • The Defence case commenced on 16 October 2012.
Mladić	<ul style="list-style-type: none"> • Trial commenced on 16 May 2012.
Šešelj	<ul style="list-style-type: none"> • The judgement is scheduled to be rendered on 30 October 2013.

CASES ON APPEAL

Đorđević	<ul style="list-style-type: none"> • The trial judgement was pronounced on 23 February 2011 (sentence: 27 years' imprisonment). • Both the Prosecution and the Defence have filed their appeal briefs.
Prlić <i>et al.</i>	<ul style="list-style-type: none"> • Judgement rendered on 29 May 2013. Accused given sentences ranging from 10 to 25 years' imprisonment.
Popović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 10 June 2010 (sentences: Popović - life imprisonment; Beara - life imprisonment; Nikolić - 35 years' imprisonment; Borovčanin - 17 years' imprisonment; Miletić - 19 years' imprisonment; Gvero - 5 years' imprisonment; Pandurević - 13 years' imprisonment). • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Borovčanin, whose sentence is therefore final.
Šainović <i>et al.</i>	<ul style="list-style-type: none"> • The trial judgement was pronounced on 26 February 2009 (sentences: Šainović - 22 years' imprisonment; Ojdanić - 15 years' imprisonment; Pavković - 22 years' imprisonment; Lazarević - 15 years' imprisonment; Lukić - 22 years' imprisonment; Milutinović - acquitted). • Both the Prosecution and the Defence have filed their appeal briefs in respect of all accused except Milutinović, whose acquittal is therefore final, and Ojdanić, for whom briefs were filed and later withdrawn by both parties, and whose sentence is therefore final. • The appeal hearing was held between 11 and 15 March 2013.
Stanišić & Simatović	<ul style="list-style-type: none"> • Judgement rendered on 30 May 2013. Both acquitted.
Stanišić & Župljanin	<ul style="list-style-type: none"> • Both sentenced to 22 years of imprisonment on 27 March 2013.
Tolimir	<ul style="list-style-type: none"> • Trial judgement rendered on 12 December 2012. Sentenced to life imprisonment.

FACTS & FIGURES

<p>161 INDIVIDUALS INDICTED</p> <p>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 136 of them.</p> <p>18 have been acquitted, 69 sentenced (19 have been transferred to serve this sentences, 3 are awaiting transfer, 44 have served their term, and 3 died while serving their sentence), and 13 have had their cases transferred to local courts.</p>	136	Total number of accused whose proceedings have been completed.
	36	Cases terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).
	25	Proceedings are on-going with regard to 25 accused: 4 are currently on trial, and 21 are at the appeals stage.
	35	A further 35 individuals have been or are the subject of contempt proceedings.

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.