



The next issue of The ICTY Digest will be published on 24 January 2011.

**On behalf of all at the Tribunal,
our very best season's greetings.**

[8 December](#)

Judges hold Plenary Meeting

On 8 December, the ICTY's judges gathered for the 39th Plenary Meeting. The judges meet in plenary to, among other things, adopt and amend the Rules, decide upon matters relating to the internal functioning of the Chambers and the Tribunal and to exercise any other functions provided for in the Statute or in the Rules.

Following the meeting, the Rules Committee, chaired by Judge Agius, announced that new Rules 75 bis and 75 ter had been adopted, Rules 15 ter and 94 had been amended, and Rule 23 ter had been repealed.

The changes to the ICTY's Rules of Procedure and Evidence will come into force on 20 December.

[8 December](#)

Šljivančanin judgement review: new sentence of 10 years imposed

On 8 December, the Appeals Chamber vacated Veselin Šljivančanin's conviction for aiding and abetting murder, quashed his sentence of 17 years in prison, and imposed a new sentence of 10 years.

In the original appeals judgement, rendered on 5 May 2009, the Chamber entered an additional conviction for aiding and abetting murder and raised Šljivančanin's sentence from 5 years to 17 years in prison. However, a 14 July 2010 decision by the Appeals Chamber marked the first time in ICTY history that a request for review of a judgement had been granted.

Reading the Appeals Chamber judgement, Presiding Judge Meron said that the testimony given by Miodrag Panić at the review hearing was credible and thus the 'New Fact' which the hearing was held to establish had been proved. That the 'New Fact' was proved undermined the original Appeals Chamber's finding that Šljivančanin was guilty of aiding and abetting murder, and the Appeals Chamber therefore vacated that conviction. The judgement concludes by saying that while the "reversal of the additional conviction represents a significant reduction in Šljivančanin's culpability and calls for a revision in sentence...however, Šljivančanin's aiding and abetting the torture of the prisoners was an extremely serious crime. In the circumstances of this case, the Appeals Chamber, Judge Pocar dissenting, reduces Šljivančanin's sentence of 17 years' imprisonment to ten years' imprisonment."

The full text of the Appeals Chamber's review judgement can be read by clicking on the following link:

http://www.icty.org/x/cases/mrksic/acjug/en/101208_review_judgment.pdf

[9 December](#)

ICTY donates legal materials to law libraries in Cameroon

The ICTY recently made a substantial donation of legal journals to the Cameroonian branch of Avocats Sans Frontières (ASF), a non-governmental organisation committed to the establishment of just, equitable and united societies around the world. The donation consisted of an extensive anthology of French-language journals, including the International Review of Comparative Law and the International Review of Criminal Law, as well as various legal manuals and books on the theory and practice of law. "ASF Cameroon has a longstanding project of establishing a free library at the Appeal Courts of Douala and Yaounde, and this donation is a substantial contribution to its realisation...your donation will help our law practitioners accustom themselves to the rules and case law of international criminal law," said the President of ASF Cameroon, Barnabe Nekuie. Commenting on the donation, the Tribunal's Registrar John Hocking said, "The Tribunal is proud to be able to support the development of international law around the world. We hope that this initiative will be a great success and wish the lawyers of Cameroon the best of luck with their new libraries."

[9 December](#)

Outreach section concludes Kosovo high-school presentations programme

The third round of the ICTY's Outreach Programme's high-school presentations in Kosovo on 9 December, amidst high praise from participating schools. The Tribunal's Outreach staff in Pristina conducted presentations in 15 high schools around Kosovo between October and December. Over 700 grade 12 students attended the multimedia presentations designed to bring the Tribunal and its work closer to young people in the region. The presentations were welcomed by students and professors alike, and made for highly interactive and insightful discussions during the sessions. "The students are approaching the lecture in a delightful way and consider that without the lecture they would not have learned this information" said Fatmire Fusha, the Deputy Director of the Aleksandër Xhuvani Gymnasium in Podujevë/Podujevo. "Since the ICTY's lecture, the students are expressing themselves differently and are a bit more grownup about their thoughts on the information they receive from the media." The first and second rounds of the Kosovo presentations took place in the 2006-2007 and 2008-2009 school years, where more than 1200 students from 35 high schools learned about the Tribunal's work. This project is organised by the European Union funded Outreach programme of the ICTY in conjunction with the Humanitarian Law Centre in Kosovo, and is supported by the Kosovo Ministry of Education.

[9 December](#)

ICTY delivers 1,000 pages of transcripts in local languages to the region of the former Yugoslavia

The ICTY recently delivered more than 1,000 pages of trial transcripts produced in local languages to Prosecutor's offices in Bosnia and Herzegovina, Croatia and Serbia. The delivery of the transcripts to the former Yugoslavia is part of the War Crimes Justice Project, which aims to enhance the capacity of regional judiciaries to handle complex war crimes cases. 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. The most recent delivery consisted of 12 priority transcripts, with each of the three offices receiving four trial transcripts, amounting to roughly 350 pages each.

In October, the Tribunal delivered 500 pages of transcripts to the Croatian authorities, while 400 pages were delivered to Serbian authorities in early November. Also in November, Bosnia and Herzegovina received its first set of transcripts. The Tribunal aims to produce a minimum of 60,000 transcript pages in local languages as part of the War Crimes Justice Project.

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.

[10 December](#)

Judges hold peer-to-peer meetings with BiH colleagues

On 10 December, ICTY judges held a peer-to-peer meeting in Sarajevo with colleagues from Bosnia and Herzegovina to discuss experiences in adjudicating war crimes cases. This is the first such meeting organised in Bosnia under the War Crimes Justice Project.

Around 30 judges from all court tiers in Bosnia participated in the meeting, together with Judge Fausto Pocar and Judge Bakone Justice Moloto from the ICTY. The judges discussed practices in the areas of disclosure of exculpatory and other relevant material, command responsibility, application of substantive law and working with vulnerable witnesses.

[14 December](#)

Prosecutor tells EU foreign ministers 'Serbia should dispel Mladić's war hero image'

On 14 December, Prosecutor Serge Brammertz met with European Union Foreign Ministers today during the EU General Affairs Council in Brussels. The Prosecutor briefed the Council on the co-operation of States, in particular Serbia, Croatia, and Bosnia and Herzegovina.

The Prosecutor told the Council that Serbian authorities should step up their efforts in the search for Ratko Mladić, and work harder to dispel the war hero image that he still enjoys. "We would very much like to see at the political level ... the clear message ... that there is an absolute need to have Mladić arrested, that there is nothing heroic about being allegedly responsible for killing civilians," the Prosecutor said.

The assembled ministers agreed that reports on co-operation from the ICTY will continue to be carefully monitored.

"Conditioning is still a very operational tool. It was also proven that there is a strong connection between EU integrations and EU enlargement and the reports coming from The Hague when I submitted my report on Serbia's co-operation in October. I'm not saying that people are not working, that nobody is working at full capacity, but I think that there is still room for improvement," the Prosecutor said.

The Prosecutor also stressed the need for the authorities in Serbia to disseminate the message that the arrest of Mladić is absolutely necessary. "We fully respect the public opinion in Serbia but it is disappointing that a majority of people is still against Mladić's arrest," the Prosecutor said.

[14 December](#)

Terms of two judges extended

The Security Council unanimously adopted resolution 1954 (2010), which extends the terms of office of two ICTY judges. Under the resolution, Judge Kevin Parker is authorised to complete the Đorđević case, and Judge Uldis Kinis is authorised to complete the case of Gotovina et al.

The resolution also reiterates “the importance of the International Tribunal being adequately staffed to complete its work expeditiously and calls upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the International Tribunal in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work”.

[16 December](#)

ICTY delegation at UNHQ for further budget meetings

A Tribunal delegation led by Registrar John Hocking, and including CAO David Falces and Chief Budget Officer Jorge Benito, recently travelled to New York to present the ICTY’s revised budget estimates for 2011 to the Fifth Committee of the United Nations General Assembly.

The Committee examined the Tribunal’s budget on Thursday, 16 December.

The ICTY winter recess will take place between Monday 20 December 2010 and Friday 07 January 2011.

COURTROOM SCHEDULE: 10 JANUARY – 21 JANUARY

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

MONDAY 10 JANUARY

Courtroom II 14:15 – 19:00, **Perišić**, Trial
Courtroom III 14:15 – 19:00, **Stanišić & Župljanin**, Trial

TUESDAY 11 JANUARY

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

WEDNESDAY 12 JANUARY

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

THURSDAY 13 JANUARY

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

FRIDAY 14 JANUARY

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

MONDAY 17 JANUARY

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

TUESDAY 18 JANUARY

Courtroom I 09:00 – 13:45, **Karadžić**, Trial
14:30 – 16:00, **Šainović et al**, Status conference
Courtroom II 09:00 – 13:45, **Perišić**, Trial
14:15 – 19:00, **Stanišić & Simatović**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

WEDNESDAY 19 JANUARY

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

THURSDAY 20 JANUARY

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

FRIDAY 21 JANUARY

Courtroom II 09:00 – 13:45, **Perišić**, Trial
Courtroom III 09:00 – 13:45, **Stanišić & Župljanin**, Trial

PROCEEDINGS COMPLETED WITH REGARD TO 125 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 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. 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 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.

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

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