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ICTY CASES

Cases at Trial

Hadžić (IT-04-75)
Karadžić (IT-95-5/18-1)
Mladić (IT-09-92)
Prlić et al. (IT-04-74)
Šešelj (IT-03-67)
Stanišić & Simatović (IT-03-69)
Stanišić and Župljanin (IT-08-91)

Cases on Appeal

Đorđević (IT-05-87/1)
Perišić (IT-04-81)
Popović et al. (IT-05-88)
Šainović et al. (IT-05-87)
Tolimir (IT-05-88/2)

Prosecutor v. Stanišić & Simatović (IT-03-69)



Closing arguments in the Prosecutor v. Stanišić and Simatović were presented on 29, 30 and 31 of January 2013, with four hours allotted to the prosecution and two and a half hours for each defence team.

The Prosecution asked for a life sentence for each of the Accused and each defence teams asked for a complete acquittal on all charges. The Prosecution summarised the trial “at its simplest” as an “examination of the conduct of two of the people with primary responsibility for organising, training, funding, equipping, and directing members of the Special Units of the Serbian DB to perpetrate grievous crimes in the name of protecting Serbs and securing for them a land free from Croats and Muslims”. Surveying its evidence at trial, the OTP claimed it had met its burden of proof beyond a reasonable doubt and established the existence of “covert criminal operations by the Serbian State Security Service”. A public version of the final brief detailing the evidence was released on 28 January, but then reclassified as confidential two days later. The Stanišić defence final brief was published on 11 February.

Five separate OTP staff presented various points in the case. Mr. Dermot Groome gave an overview of the case. Mr. Travis Farr discussed the overarching Joint Criminal Enterprise to eradicate non-Serbs from areas of Croatia and Bosnia and Herzegovina, addressing the

ICTY NEWS

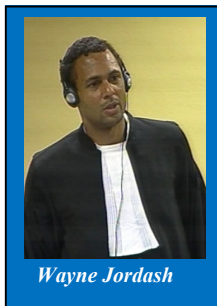
- Stanišić & Simatović: Closing Arguments
- Mladić: Trial continues
- Hadžić : Trial continues
- Karadžić: Defence continues

Also in this issue

News from other International Courts	7
News from the Region.....	8
Looking Back.....	9
Blog Updates.....	10
Publications & Articles ..	10
Upcoming Events	11
Opportunities	11

closeness of the two accused, their roles of command, the relationships of the Bosnian Serb and Serbian government in implementing the plan. Mr. Adam Webber detailed the activities of the units, including the Red Berets, the Tigers, the Scorpions, Arkan's men and Šešelj's men and the crimes they committed in Eastern Slavonia in 1991 and he also addressed the question of resubordination to Bosnian Serb units – arguing that it did not negate the responsibility of the two Accused, because the units were still loyal to them. A key piece of OTP evidence was a video of the Kula ceremony celebrating the exploits of the Red Berets in 1997, when Simatović spoke about the battles of the unit also called “Franki's Men.”

Ms. Friedman addressed the individual responsibility of the two Accused for various acts in the crime bases. Ms. Harbour addressed the activities of the Scorpions from 1994 to the end of the indictment period, and argued that the Accused controlled the Scorpions and used them for various activities in Croatia and Bosnia. Concluding the arguments, Mr. Groome asked for a sentence of life imprisonment for both accused, stating that it would be difficult to imagine “crimes of greater severity”.



Wayne Jordash

Arguing on behalf of Mr. Stanišić, Mr. Wayne Jordash stated that his client should be acquitted of all charges and “should walk out of this courtroom as a free man without a stain on his reputation”. Jordash argued that although Stanišić had been close to the events, and thus his proximity raised a suspicion, it was impossible to be an “an effective chief of State Security during a bloody civil war” without some proximity. But this did not amount to proof beyond a reasonable doubt; the evidence was simply “too equivocal, too unreliable, and too absent on critical issues” to simply “ride over Mr. Stanišić's presumption of innocence”.

In the first part of his argument, Jordash addressed the problem of individual responsibility, and argued that the OTP had not proven that Stanišić's actions were in furtherance of crime. Jordash argued that the OTP had not shown his significant contribution to the Joint Criminal Enterprise, or shown significant control of the units, and little evidence of logistical

supplies to the units either. According to Jordash, the OTP's decision to call the lack of evidence “secrecy” did not make sense, as even secrecy would not have created a complete lack of documentation or knowledge even by almost all insiders.

The second part addressed the premise that Stanišić was “Milošević's no. 2 man” and was able to coordinate crimes with all these regional leaders. Jordash pointed out that the evidence presented a different picture – Stanišić was attempting to engineer a situation that would create stability, and reduce discontents, and in his contacts with commanders he was in large part a peacemaker. The third part of Jordash's argument focused on Stanišić as a man and as a professional, and argued that he was not a nationalist, but that he worked cool-headedly where others had not, and that he had made a principled decision to continue performing a legitimate job in a difficult time.

The Trial Chamber rejected a submission by the Stanišić Defence of about 80 pages listing errors in the OTP's final brief, since it amounted to an additional filing, and should have been provided earlier to allow the OTP to respond. However the Chamber advised the OTP that it hoped it would immediately come to the Chamber if it found any mistakes.

Defence Counsel for Mr. Simatović, Mr. Mihajlo Bakrač, argued that Simatović was a low-ranking operative and not a participant in the JCE. He had no links with Slobodan Milošević, Radovan Karadžić, Ratko Mladić, Milan Martić or Captain Dragan Vasiljković, and little to do with Stanišić. Bakrač dismissed the limited evidence of contact with other members of the JCE, and argued that the contacts with Stanišić were not beyond what would be expected for official purposes. Defence Counsel Petrović argued that Simatović was more of a counter-intelligence person than a commander and discounted the speech at the Kula ceremony as primarily overblown to impress Milošević.

On rebuttal, Ms. Maxine Marcus argued that the ceremony did not conclude when Milošević left, but that Franko Simatović continued to energetically praise his troops.

No date is set as yet for the trial judgment.

Prosecutor v. Mladić (IT-09-92)



General Rupert Smith

The Prosecution case in Prosecutor v. Mladić continued with the testimony of several high ranking officers in the UN and BiH forces during the war in Sarajevo.

British General Rupert Smith, former commander of UNPROFOR, testified for three days on 24, 25 and 28 January, and he may be recalled by the Chamber for further questioning. General Smith testified that his contacts with Mladić led him to believe that Mladić knew of sniper fire on civilians, deliberately violated cease fire agreements on heavy artillery, and that he ordered his troops to take UN staff hostage and use them as human shields against NATO airstrikes, disregarding General Smith's warnings that this was a violation of the UN Conventions. The prosecution has also admitted several audiotaped conversations between Mladić and Smith, recorded by Mladić himself, and recovered at Mladić's wife's apartment. On cross-examination, Defence Legal Consultant, Dragan Ivetić, challenged

UNPROFOR

Initially established in Croatia to ensure demilitarization of designated areas. The mandate was later extended to Bosnia and Herzegovina to support the delivery of humanitarian relief, monitor "no fly zones" and "safe areas".

The mandate was later extended to the former Yugoslav Republic of Macedonia for preventive monitoring in border areas

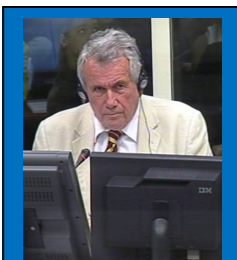
General Smith for bias against Serbs, quoting prior testimony given by Smith in the Perišić trial, in which Smith rejected the characterisation of UNPROFOR as a peace-keeping force. The Defence also challenged the veracity and bias of the Markale II investigation by the UN, which was the basis of Smith's decision to call in NATO airstrikes. On the second day of cross-examination the Defence used quotes from the taped conversations to show that the conflict had become personal between Mladić and Smith, and that Smith was "under pressure" and his aim was to "humiliate" Mladić. Smith denied the personal conflict and stood

by his position on the accuracy of the report, and the legality of the U.S. use of force after Srebrenica and the London Conference.

Smith was followed by French Officer RM-120 who testified in large part in closed session. The officer claimed that only one in ten sniper attacks was by Bosnian forces, and the rest were from Serb positions. The officer also denied ever seeing the protocol to the February 1994 arms agreement in which the Serbs placed all heavy artillery under UN control; the protocol has been introduced by both Karadžić and Mladić defence teams on cross-examination to show that there had been an additional agreement, signed by Yasushi Akashi, allowing Serbs to withdraw the artillery if they were attacked. The witness also testified that in his opinion Mladić controlled VRS strategy in Sarajevo down to the local level and was directly responsible for the implementation of a plan to deliberately terrorize civilians. During cross-examination, Defence Counsel Branko Lukić challenged the assertion, noting that UNPROFOR had no accurate knowledge of army of BiH deployment and considered every shell in the city to be targeting civilians. The witness agreed that every shell was considered targeting civilians, but in his view the general objective was to terrorize the population.

The Prosecution next called Martin Bell, BBC correspondent, who was in Sarajevo from 1991 to 1995. Bell stated that his goal had been fair, unbiased and precise reporting, but that he had only been able to talk to Serb authorities until August 1994 when all ties were cut off.

He also testified that in his opinion the VRS hoped that "in tightening the siege of Sarajevo" they could secure gains in peace talks. Ivetić challenged Bell for ignoring the context of the war, and quoted from his book "In Harm's Way" that numerous journalists had taken the Muslims' side. Bell countered that this was just an unconscious bias, because of limitations of movement – they were unwilling or unable to leave Muslim territory, so they only saw the war from one side. Bell denied that media reports were used as the basis of any military or government decision-making, stating the military had



Martin Bell

their own sources.

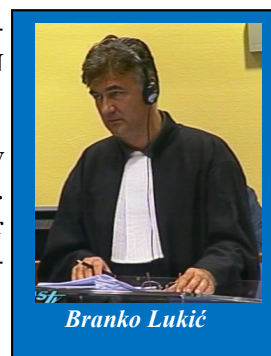
Mirza Sabljica followed, a ballistics expert for the BiH government Security Services Centre, who had investigated 60 sniper and over 100 shelling incidents. Sabljica testified about the methodology of analysis of mortar explosion traces. During cross-examination, Lukić contested the findings on an incident-by-incident basis.

On 7 and 8 February, Anthony Banbury testified; Banbury was political advisor to Viktor Andreev, UN Civil Affairs Chief from 1994 to 1995, and later political advisor to Yasushi Akashi, Special Envoy of the Secretary General to the Former Yugoslavia. Banbury is still a UN official. Banbury testified that based on the 15 months he spent in Sarajevo the VRS deliberately created a situation in which life for civilians was unbearable, and civilians were repeatedly targeted. Banbury also blamed the VRS for ethnic cleansing and crimes against women. Judge Flügge asked if the Banbury warned Mladić of the consequences of these acts, and the witness replied that he did not, but his superiors did. Defence Counsel, Miodrag Stojanović challenged the witness with a document from Hasan Cengić, secretary of the Party for Democratic Action (SDA), demanding that Muslim's depart from Serb controlled territory; the witness responded that the approach was reprehensible, but distinguished between the SDA and BiH authorities. The witness also admitted, after being presented with a letter from Alija Izetbegović describing French complaints, that some attacks on UNPROFOR were from the BiH army snipers. Nonetheless the witness claimed that

Mladić had frequently misrepresented the truth to UN officers.

On 11 and 12 February Ekrem Suljević testified. Suljević is a former member of the Anti Sabotage Protection Department of the BiH Ministry of Interior who had investigated numerous shelling's and sniping incidents from 1993 to end of war, including the Markale I incident. Suljević explained the methodology in establishing the origin of fire and further stated that in some cases the markings on remnants of some of the shells indicated they were manufactured in Serbia. Lukić cross-examined Suljević on specific BiH army units near the shelling in Vrbovska Street on 2 July 1995, and on fire opened from the TV Building on 28 June 1995 by BiH army snipers. Suljević denied these claims. Lukić also questioned Dr. Berko Zečević's analysis of the TV building incident and suggested that the police may have planted evidence to blame the Serbs. Suljević attempted to explain away any inconsistencies in reports on the incidents.

On 1 Feb 2013 the Registrar appointed Defence Counsel Lukić and Co-Counsel Stojanović to represent Mladić on a permanent basis and established that Mladić's contribution to his defence, based on his disposable means minus the living expenses of his family, should be €66,992.



Branko Lukić

Prosecutor v. Hadžić (IT-04-75)



Christian Nielsen

Expert witness Christian Nielsen's cross-examination in the trial of Goran Hadžić, former president of the Serb Autonomous Region of Slavonia, Baranja and Western Srem, resumed on 6 February 2013 after hearing at least one witness in closed session. Nielsen, who was asked by the prosecution to deal in a report with the institution and function of the police, began his testimony in early January 2013.

The Defence concentrated on the presence of the JNA military commanders and how this was interpreted as playing a vital role in the maintenance of law, order and security in Eastern Slavonia. According to the Defence, this was especially important since civil authorities had not yet existed. This was contested by Nielsen, as he stated, though admitting the significance of the army in protective measures, that civilian authorities were in the process of being set up and "the police and local and regional authorities were involved in the abuse and expulsion of citizens". Nielsen further stretched the discrepancies in concepts regarding developments between civilian and military authorities, although both sides displayed respect and

willingness to cooperate.

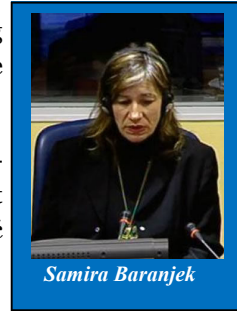
Secondly, the Defence analysed documents, which suggested that the government surrounding Hadžić explicitly prohibited “the abuse and eviction of the Croatian population on ethnic grounds”. This was also partially confirmed by Nielsen, while noting that other relevant documents suggest the involvement of the government in settling Serbs in abandoned Croat houses.

On 8 February 2013, Samira Baranjek testified about events which had taken place on the 19 and 20 November 1991. Baranjek claimed to have met Hadžić at the primary school, to which she was brought together with her children and husband. The exact knowledge of Baranjek about events that had occurred more than twenty years ago without stating them in prior statements was questioned by the Defence. This was ex-

plained by Baranjek as being due to the personal significance of the date.

In an emotional session, Baranjek stated that for her it was not important whether Hadžić would be convicted or acquitted, since she lost her husband due to the conflict and therefore had no reason to spread lies.

The claim of Baranjek that Hadžić was visiting the witness’s husband’s occasionally and wrote poetry, which had been published on Vukovar radio, was dismissed by the Defence and suggested that Baranjek made an honest mistake in confusing Hadžić and Branko Kovačević, who had a similar appearance as the suspect, worked with him and was a poet.



Samira Baranjek

Prosecutor v. Radovan Karadžić (IT-95-5/18-1)



Milenko Indjić

necessity to attacks launched from the city.

Furthermore, the Serbs were blamed for the killings as they had already been branded as ‘bad guys’ while in fact, he continues, the BiH Army snipers shot at UNPROFOR soldiers and ‘their own folk’.

On 24 January, Indjić, testified that Muslims organised the massacre in Srebrenica. He heard on the Muslim TV that in order to justify a military intervention in Bosnia, the Americans needed ‘3,000 dead’. Muslims provoked the Serb forces by launching constant attacks from the enclave, Indjić argued. The Serb troops responded to the provocation and killed thousands of men.

General Dragomir Milošević, who is currently in a prison in Estonia, serving a 29-year sentence after a conviction at the ICTY, testified. Milošević’s com-

manded the Sarajevo-Romanija Corps from 1994 to 1995, and in his view it was a fight of ‘two unequal sides’ – the ‘extremely strong’ BiH Army 1st Corps and the ‘weak’ Sarajevo-Romanija Corps.

Milošević stated that there was not a single civilian zone in the city without any military targets. The BiH Army 1st Corps units had HQs in civilian buildings such as schools, shops, bars, businesses and in the Kosevo Hospital. Milošević contends that all these were legitimate military targets and that his corps did not target civilians in the city. Many victims died because the BiH Army ‘attacked its own people’. According to Milošević, this was done on purpose, due to improper handling of mortars, areas were also hit because of ‘clans’ who fought over territory.

During cross-examination, Milošević claimed that the modified air bombs were used only to attack enemy strongholds, both on the front line and in the city. Regarding the Markale II attack on 28 August 1995, he stated that he was undergoing medical treatment in Belgrade and upon his return his subordinate officers told him that ‘such weapons were not fired at all on that day’ from the Serb positions.

Milošević asserted that he found it ‘impossible’ that he or any of his subordinate commanders ordered the use of snipers against civilians. Snipers were only

used to respond to the attacks of the enemy from the city. Milošević stated his soldiers cared about the civilians in the city and protected Muslims who remained in parts of Sarajevo under the control of Serb forces. 'No non-Serb civilians were victims of detention, beating, torture or liquidation' in the area of responsibility of the Sarajevo-Romanija Corps, Milošević claimed.

On 31 January, Srdjan Sehovac, who was the Head of the National Security Service in Ilidza from 1992 to 1994, told Karadžić's defence, that Croats and Muslims jointly acted against Serbs. He notes that many 'foreigners' who joined the BiH Army, humanitarian aid workers who were also under the control of the Muslim security service, UNPROFOR and the Western media, did the same. He further stated that no force was used during the interrogations of detained Muslims.

The next witness was, Milan Mandić, President of the Association of the Families of the Killed and Missing Persons for Sarajevo and Romanija Areas. Mandić claimed that Amor Masović was biased and took part in the effort to move the bodies and cover up secondary graves of Serb victims.

On 4 February, Milošević continued his cross-examination. He dismissed the claims that during the four years of the siege of Sarajevo, the city was under such indiscriminate fire that 'there were no buildings without damage to windows and walls caused by explosions and shrapnel'.

Dragomir Milošević

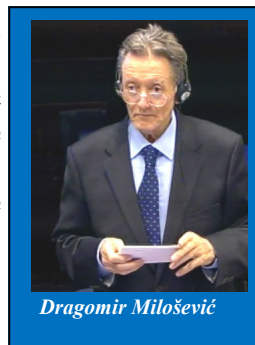
Dragomir Milošević was Chief of Staff to Stanislav Galić, Commander of the Sarajevo Romanija Corps of the Bosnian Serb Army (VRS), based around Sarajevo, Bosnia and Herzegovina from July 1993.

In August 1994, Milošević succeeded Galić as Corps Commander.

He stated that Sarajevo would have been 'turned to ashes and dust' if fire from his positions had indeed been uncontrolled, stating categorically that his artillery was under strict control.

On 5 February, Milošević stated that his corps never targeted Sarajevo civilians. However, he conceded that in some situations some 'deranged people on the Serb side'

may have fired at civilians in the city, without having orders to do that. Milošević could also not rule out the possibility that the perpetrators were in the ranks of the BiH Army. To create an atmosphere in which the Bosnian Muslims were the vulnerable side, they caused casualties on purpose, he claimed. According to Milošević, his corps returned fire only after the BiH army had opened fire on Serb positions in the area where crowded trams ran. These bullets may have accidentally then hit a tram.



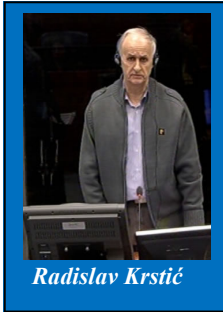
Dragomir Milošević

On 6 February, Srdja Trifković, the Director of the Center for International Affairs at the Rockford Institute, stated that Karadžić did not have contact with Ratko Mladić in the course of the VRS operation in Srebrenica.

He claimed, to the Prosecutor's argument that he is biased, that he was misrepresented and he was a 'journalist and analyst' who obtained information from the Bosnian Serb top political brass. The prosecution showed evidence that Trifković labeled Islam a 'psychosis' and called for deportation of them back to their countries. Trifković said that his words were taken out of context but did not deny or 'contextualize' them.

Former Bosnian Serb General Radislav Krstić, sentenced to 35 years in prison for his role in the Srebrenica genocide, said he was not well enough to testify.

After Krstić was issued a subpoena, he appeared at the Tribunal on 7 February; he pleaded mental and physical health problems. He explained to the judges he had told Karadžić about his condition but Karadžić disregarded and insisted on him testifying because "he has his goal he wants to achieve". Krstić contented it would be 'unreasonable and inhumane': it would be 'an act of violence' if they demand him to testify. Karadžić told the judges he had full understanding of Krstić ordeals, however, he stood by his demand, and insisted that he still needed to ask him "just a few questions" about Srebrenica because he did not have a replacement witness. The judges agreed and asked



Radislav Krstić

Krstić to take stand.

However, Krstić repeated he remained unwilling to testify. Even after being warned he would possibly face contempt of court charges, Krstić's lawyer confirmed that 'the General is aware of the consequences of the refusal to comply with a subpoena', but had made the decision himself, with all that in mind. The judges

decided after a one hour break, that 'additional medical reports' on Krstić's health were needed. The Registry was ordered to provide medical reports on the witness' mental and physical health. The judges ordered that Krstić should undergo examinations by 8 March in order to determine if he is mentally fit to testify, i.e., whether he can understand the questions and provide 'truthful and rational' answers. The doctors should also determine whether and to what extent his testimony could be harmful to his health.

NEWS FROM OTHER INTERNATIONAL COURTS



The Extraordinary Chambers in the Courts of Cambodia

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For the Defence, the month has been January was largely dominated by health issues, with all three Accused admitted into hospital. On 14 January, trial proceedings were adjourned indefinitely after Nuon Chea was hospitalized with acute bronchitis and indicated he would not decline to waive his right to be present for the examination of certain witnesses. Two days later, Khieu Samphan was admitted into hospital with a variety of ailments.

These events highlighted concerns about the Accused's fitness to stand trial and their ability to participate in proceedings. The Ieng Sary Defence has appealed a decision finding Ieng Sary fit to stand trial, with International Co-Lawyer Michael G. Karnavas declaring that daily medical updates given to the Trial Chamber are a 'sham'. The team filed a request that the Trial Chamber modify instructions to the doctors providing these updates and has submitted recommendations concerning the scope of medical examinations scheduled for March. Ieng Sary is currently required to participate from his holding cell; his team is appealing a decision on its right to record him there.

During the absence of the Accused, various document hearings took place. The Defence objected to over 100 documents proposed to be admitted into evidence documents. Mr. Karnavas registered his concern about the reliability of nine different categories, for example media reports and those from foreign gov-

ernments, whilst Khieu Samphan's International Co-Lawyer, Anta Guisse, criticised documents such as videos from unknown sources as lacking evidentiary value. The document presentations also proved controversial. The Defence submitted that the Prosecution was giving its own interpretation of documents, rather than simply reading them into the record, thus seeming to give a closing argument.

Several other documents have been filed in other areas. All teams filed briefs on the applicable law, setting out the elements of crimes against humanity and modes of liability at issue in the case. The Ieng Sary team has appealed the Trial Chamber's decision not to investigate irregularities in the taking of witness statements and conduction conduct of interviews during the investigative stage. Finally, counsel for Nuon Chea has replied to the Co-Prosecutors' response to their appeal of a decision not to investigate the issue of government interference with the functioning of the ECCC.





International Criminal Tribunal for Rwanda

On 4 February 2013, the Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) overturned the Genocide convictions of two Rwandan ex-ministers and ordered their immediate release.

The original convictions were for complicity to commit genocide and incitement to commit genocide against Justin Mugenzi, who was trade minister during 1994 and Prosper Mugiraneza, former minister in charge of civil servants. The Trial Chamber had convicted the two based on the fact that they attended a council of ministers meeting that decided to sack the Tutsi prefect of Butare, Jean-Baptiste Habyarimana, who was considered the last obstacle to the genocide in his prefecture.

The judges had ruled that their presence at that meeting and at another meeting two days later where interim president Theodore Sindikubwabo urged the population to kill Tutsis, meant that they were guilty of conspiracy to commit genocide and incitement to commit genocide.

The Appeal judges however found that Mugenzi and Mugiraneza did not know that Sindikubwabo was going to make such a speech, and that the dismissal of the prefect could have been decided “for political and administrative reasons” and not necessarily in order to speed up the massacres.

NEWS FROM THE REGION



Bosnia and Herzegovina

Fighter Jailed for Killings of Bosnian Serbs

A Bosnian district court in the town of Dobož sentenced former fighter Senahid Ribić to 13 years in prison for war crimes. The court found him guilty for taking part in the murders of two Bosnian Serb civilians, the illegal arrests of civilians and the burning of houses in Ozak, in 1992. Ribić was a member of the 102nd Brigade of the Croatian Defence Council, HVO, in the Odzak area from May to July 1992.

Bosnia Prison Camp Detainee Recalls Guards' Brutality

At the trial for war crimes in Sarajevo, witness Eset Muracević testified that prisoners were physically and sexually abused at detention camps in Vogosca near Sarajevo. He was detained and abused in Planjina Kuca and Bunker camps where the defendant, Branko Vlaco, was the warden. The Bosnian prosecution alleges that Vlaco had established a system to punish civilians held in detention camps in the period from May to the end of October 1992.



Kosovo

Kosovo Albanians Cleared of War Crimes Against Serbs

A court in the town of Prizren found ex-fighters Ejup Kabashi and Sokol Bytyqi not guilty of “war crimes against the civilian population” in Opatrova in 1998. Also the ethnic Albanians, Mustafe Hoti, Milaim Hoti, Naser Hoti, Nexhmedin Berisha and Jetullah Kabashi, were acquitted of “assisting the perpetrators after the commission of criminal offences”.

Kabashi and Bytyqi were accused of intimidating and terrorizing Serb villagers by forcing them from their homes during the late 1990's conflict. According to the prosecution, who will appeal the court's decision, both were members of the Kosovo Liberation Army.

LOOKING BACK...

Ten years ago...

Vojislav Šešelj Indicted by the ICTY for Crimes against Humanity and War Crimes

On Friday 14 February 2003, Judge O-Gon Kwon confirmed an Indictment against Vojislav Šešelj, which was signed by the Prosecutor on 15 January 2003, this Indictment charges Vojislav Šešelj with eight counts of crimes against humanity and six counts of violations of the laws or customs of wars.

The eight counts of crimes against humanity include murders, extermination, persecutions on political, racial or religious grounds, deportation, imprisonment, torture and inhumane acts, whereas the six counts of violations of the laws or customs of war comprise murder, torture, cruel treatment, wanton destruction, destruction of institutions dedicated to religion or education, plunder of public or private

property.

According to the indictment, Vojislav Šešelj, as President of the SRS, was a prominent political figure in the SFRY/FRY, propagating a policy of uniting “all Serbian lands” in a homogeneous Serbian state. He allegedly participated in the creation of Serbian volunteer groups connected to the SRS, commonly known as “Chetniks” or “Šešeljevci.” He allegedly was involved in propaganda and incitement of hatred campaigns and instigated his volunteer units to commit crimes, while giving financial, material, logistical and political support for take-over missions of villages.

Since the early beginning of the trial, Vojislav Šešelj holds a record for filing motions to disqualify judges.

Five years ago...

Special Tribunal for Lebanon

Special Tribunal for Lebanon is getting ready



Rafik Hariri

On 14 February 2008, Ban Ki-Moon, in his duty as United Nations Secretary-General, announced the creation of a board of management of the Special Tribunal for Lebanon, which will be based on the model of the Tribunal for Sierra Leone

The main responsibility of the board of managements, composed of the principal donor countries, is the budget of the tribunal, financed at 49% by Lebanon and 51% by voluntary contributions. The announcement coincided with several demonstrations in Beirut to commemorate third anniversary of the assassination of the former Lebanese Prime minister, Rafik Hariri, on 14 February 2005 in a car bomb attack.

International Criminal Court

Mathieu Ngudjolo Chui becomes third ICC detainee

On 7 February 2008, the International Criminal Court (ICC) announced the arrest of Mathieu Ngudjolo Chui, the alleged former leader of the National Integrationist Front (FNI), by the Congolese authorities. Currently serving as Colonel in the National Army of the Government of the Democratic Republic of the Congo (DRC), he has been transferred to the International Criminal Court in The Hague on.

After issuing a sealed warrant of arrest for Mathieu Ngudjolo Chui, which include three counts of crimes against humanity and six counts of war crimes, the Pre-Trial Chamber also alleged the decisive role Ngudjolo Chui played in indiscriminate attacks against the village of Bogoro in February 2003, which

left 200 civilians dead and the village pillaged. Furthermore, the Pre-Trial Chamber found this attack to be part of a common plan carried out within the first months of 2003, thus accepting the consequences that followed.

Mathieu Ngudjolo Chui became the third person to enter custody at the ICC, following Thomas Lubanga Dialo in March 2006 and Germain Katanga in October 2007. All three cases refer to the situation in the Democratic Republic of Congo.

On 18 December 2012, Trial Chamber II acquitted Mathieu Ngudjolo Chui of all charges and his release was ordered.

BLOG UPDATES

- Kathryn Hovington, **ICTR Overturns the Genocide Convictions of Two Former Rwandan Ministers**, 4 February 2013, available at : <http://www.internationallawbureau.com/index.php/ictr-overtuns-the-genocide-convictions-of-two-former-rwandan-ministers>
- Judge Theodor Meron, **The Interplay Between International Criminal Justice and Human Rights Law**, 4 February 2013, available at : <http://ilawyerblog.com/the-interplay-between-international-criminal-justice-and-human-rights-law/>
- Mark Kersten, **The ICC might not deter Mali's Rebels – but it might deter the Government**, 4 February 2013, available at : <http://ijcentral.org/blog/the-icc-might-not-deter-malis-rebels-but-it-might-deter-the-government/>
- Ryan Goodman, **The Power to Kill or Capture Enemy Combatants**, 8 February 2013, available at : http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2213960
- Kirsty Sutherland, **BiH and Serbia Sign War Crimes Protocol**, 31 January 2013, available at : <http://www.internationallawbureau.com/index.php/bih-and-serbia-sign-war-crimes-protocol/>

PUBLICATIONS AND ARTICLES

Books

Mohamed Elwa Badar (2013), *The Concept of Mens Rea in International Criminal Law: The Case for a Unified Approach*, Hart Publishing.

Sam Muller, Stavros Zouridis (2012), *Law and Justice: A Strategy Perspective*, Torkel Opsahl Academic EPublisher.

Stephanie C. Hofmann (2012), *European Security in NATO's Shadow Party Ideologies and Institution Building*, Cambridge University Press.

Lara J. Nettelfield (2012), *Courting Democracy in Bosnia and Herzegovina: The Hague Tribunal's impact in an post-war state*, Cambridge University Press.

Kirsten Sellars (2013), *'Crimes against Peace' and International Law*, Series Cambridge Studies in International and Comparative Law.

Articles

Former ADC-ICTY Assistant:

Isabel Düsterhöft, (2013), *"The Protection of Journalists in Armed Conflicts: How Can They Be Better Safeguarded?"*, Utrecht Journal of International and European Law, Volume 29, Issue 76, pp. 4-22.

Luke Glanville, (2012), *"The Responsibility to Protect Beyond Borders"*, Human Rights Law Review, Volume 12, Issue 4.

Makane Moïse Mbengue, (2012), *"Scientific Fact-finding by International Courts and Tribunals"*, Journal of International Dispute Settlement, Volume 3, Issue 3.

Marget M. deGuzman, (2012), *"How Serious Are International Crimes? : the Gravity Problem in International Criminal Law"*, Columbia Journal of Transnational Law, Volume 51, Issue 1, pp. 18-68.

Valentina Spiga, (2012), *"No Redress without Justice : Victims and International Criminal Law"*, Journal of International Criminal Justice, Volume 10, Issue 5, pp. 1377-1394.

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WE'RE ON THE WEB!

WWW.ADCICTY.ORG



The ADC-ICTY would like to express its appreciation and thanks to Becky Tomas for her hard work and dedication to the Newsletter. We wish her all the best in the future.

EVENTS

Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime

Date: 21 February 2013

Venue: Oxford Law Faculty, Oxford University

More info: <https://www.law.ox.ac.uk/event=12132>

Guantanamo Bay: What's next ?

Date: 22 February 2013

Venue: Southern Illinois University

More info: http://www.law.siu.edu/Law%20Journal%20Symposium/Law%20Journal%20Symposium_Schedule.php

International Law & Human Security

Date: 2 March 2013

Venue: Sturm College of Law, University of Denver

More info: <http://www.law.du.edu/index.php/ilw-west-2013?>

OPPORTUNITIES

Senior Legal Officer

Organisation for the Prohibition of Chemical Weapons
Closing date: 19 February 2012

Human Rights Officer

Office of the United Nations High Commissioner for Human Rights
Closing date: 25 February 2012

Project Assistant

The Hague Conference on Private International Law
Closing date: 15 March 2012

Legal Secretary

European Court of Justice
Closing date: 8 April 2012