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ICTY CASES

Cases at Trial

Hadžić (IT-04-75)

Karadžić (IT-95-5/18-I)

Mladić (IT-09-92)

Šešelj (IT-03-67)

Cases on Appeal

Prlić *et al.* (IT-04-74)

Stanišić & Simatović (IT-03-69)

Stanišić & Župljanin (IT-08-91)

Tolimir (IT-05-88/2)

ICTY NEWS

Prosecutor v. Mladić (IT-09-92)

On 5 and 9 March, Miloš Šolaja appeared before the Trial Chamber. The witness was a member of the Rocket Artillery Brigade in the war of the Republic of Croatia. In 1992, he held the position of Editor-in-Chief of the Krajiški Vojnik Military Magazine of the 1st Krajina Corps.



Miloš Šolaja

On 7 August 1992, Miloš Šolaja received and guided a group of about 40 foreign journalists on a visit from the Manjača camp to the collection centre of Trnopolje and to the investigative centres of Omarska and Keraterm.

During cross-examination, the witness confirmed that when he was in Trnopolje, he did not see any barbed wire surrounding or encompassing the collection centre. He clarified there was only an old traditional fence that could have been interpreted as such a wire, but there were also parts that were not fenced off at all. The witness added that despite the presence of an escort, for their own security, journalists could freely speak to the people in Trnopolje, demonstrating that there was no concealment and that the army did not secure the centres.

On 9, 10 and 11 March, Bojan Subotić, former military police officer in the Army of Republika Srpska (VRS) 65th Motorised Detachment, testified for the Defence. His testimony was interrupted by pre-scheduled video-link testimonies, so his testimony was carried out across three days after the video-link testimonies had been completed. Subotić testified that on 13 July 1995

ICTY NEWS

- Mladić: Defence Case Continues

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he and several soldiers managed to survive three ambushes mounted by thousands of Muslim fighters. In between two ambushes, the witness discovered over 500 dead Muslims in the woods near Nova Kasaba. Subotić explained that the Muslim soldiers had killed each other when one group of Muslim soldiers had tried to prevent others from surrendering.

The Muslim soldiers who surrendered were taken to the football stadium in Nova Kasaba, where there was already a number of other detainees. Subotić stated that Mladić addressed the prisoners and instructed the witness to ensure that the prisoners were being provided with accommodation and food before they were exchanged.

During cross-examination, Subotić recalled that prisoners were escorted to Bratunac in buses. He personally escorted the convoy to the Vuk Karadžić Primary School in Bratunac, where the civilian police took the prisoners over. The witness knew nothing of their further transportation to the Zvornik area where they were allegedly executed.

On 10 March, Milenko Đurić, former member of the Serb Territorial Defence from Kotor Varoš, testified via video-link. The testimony lasted only a few minutes with the witness confirming the accuracy of his statement. The Prosecution chose not to cross-examine the witness.

Đurić's statement advocated that the local population captured the Muslim soldiers in Grabovica as retaliation for the crimes they had committed against the Serb civilians. He also described the circumstances of his 105 days of captivity by the Bosnia and Herzegovina Army soldiers from July until November 1992.

On 10 March, the Defence called Branko Berić to testify about inter-ethnic relations in Prijedor before, during and after the multi-party elections. The witness personally saw Muslim groups training for combat in Čarkav village.

Branko Berić was assigned to the Territorial Defence Staff and the Logistics Base established by the Serb Democratic Party (SDS), which was headed by Major Kuzmanović. His testimony provided information about the establishment of the Trnopolje Reception Centre and how it was operated by the Territorial Defence and not Mladić's troops, which was tested by the Prosecution. He also provided evidence about

how he helped the Muslim population at Trnopolje by providing accommodation, food and medical aid. He testified that to the best of his knowledge, Major Kuzmanović did not rape women at the Reception Centre and that he was a charming man.

Berić explained that the Reception Centre at Trnopolje was not fenced in and how the photographs that were published, showing an impoverished prisoner, were manufactured to deceive the international public. He maintained that civilians in Trnopolje were treated well and were provided with adequate shelter, food and health care.

On 11 March, Tomislav Delić, former member of the 6th Sana Brigade testified in Mladić's defence via video-link. In his testimony, Delić insisted that the killings that occurred in Sanski Most were carried out by people from outside the municipality, denying any involvement of members of his battalion in the events. He also suggested that the aggressions of Bosniaks were acts of revenge for crimes committed against Serbs in World War II.

During cross-examination, the Prosecutor focused on the killings of seven Croats in the village of Skrljevitica near Sanski Most in November 1992. Delić distanced himself and the Serb Defence Forces from the crimes, explaining that the alleged perpetrator was a sick man acting independently.

On 12 March, the Defence called its next witness Mišo Rodić, a member of the Intelligence and Security Organ of the 43rd Motorised Brigade. During direct-examination various documents were shown, including one, VOB-8 (Vojni Obveznici), that lists those soldiers, who were members of the Army of Republika Srpska during the war and were not of Serb ethnicity. Later the Prosecution questioned whether in principle, soldiers who had left or joined just days before the start and end date of the VOB-8 record (16 September 1991 and 30 March 1996, respectively), would have been included in that particular list. The witness shared this concern but was unable to give details on how the list was compiled.

During cross-examination, Rodić confirmed that the Intelligence and Security Organ moved location to the Kozarac Putevi company building opposite Keraterm. The Prosecution questioned how Rodić had remained ignorant to the killing of prisoners of war inside the camp, to which he answered that, as part of intelli-

gence rather than security, this was not within his remit of work. Rodić asserted that he had never heard of Room 3, however, he heard rumours of the execution that took place there. Based on his knowledge he asserted that this had been a revenge attack.



Milenko Karišik

On 16 and 17 March, Milenko Karišik, a former member the Special Anti-Terrorist Unit and the Special Unit of the Bosnia-Herzegovina Ministry of Interior Department testified. During direct-examination, Karišik explained that the Party of Democratic Action's (SDA) appointment of its personnel to key positions in the Special Police in the Yugoslavia Army (MUP) of Bosnia-Herzegovina affected the pre-existing ethnic distribution of officials, by allowing the SDA to dominate. It was also stated that there was no explanation of why there were so many Muslim reservists being activated. Additionally, Karišik discussed the specifics of some attacks on his unit in Vrace on 5 April 1992. The witness stated that his unit was attacked when they tried to situate themselves in a school compound. After these attacks were over, the unit spent a total of five or six days in Vrace.

During cross-examination, a variety of questions were asked, including those relating to Karišik's previous awareness of executions to be carried out. The witness was asked about his prior knowledge of plans to forcibly expel and execute civilians from Serbia and Srebrenica. He replied that he had no prior knowledge of either the expulsion nor execution and that he still does not know the truth. Moreover, the witness also denied discussing Srebrenica during a meeting he had with Radovan Karadžić in Pale on 11 July 1995.

Several contradicting answers were provided, including Karišik's knowledge of Muslim prisoners being taken in Srebrenica in mid-July of 1995. He indicated that he was not aware of this occurrence and later stated that the ones who were taken prisoner were members of the troops.

Dragoslav Trišić testified on both 17 and 18 March. He was an Assistant Commander in the Bratunac Brigade and responsible for logistics. During examination-in-chief, he spoke about receiving the fuel from the United Nations High Commissioner for Refugees

(UNHCR) on 13 July 1995 in order to prepare the buses for the transportation of the Muslim population in direction Tuzla. He confirmed that the fuel of the Bratunac Brigade was used, as the amount of fuel of the Vihor company was not sufficient. During cross-examination, Trišić testified that he attended a meeting on 19 October 1995, where Captain Momir Nikolić informed those present that the Bratunac Brigade was engaged in a "terrain clean-up operation" on the orders of the Main Staff. He insisted that he had not been in charge of the terrain clean-up and he had no knowledge of it.

On 18, 19 and 24 March, the Defence called General Dragiša Masal, a Bosnian Serb Military General who was Commander of the Višegrad Tactical Group in 1993 before being appointed to Chief of Artillery of the VRS Main Staff from August 1994 to the end of the war.



Dragiša Masal

In his statement, Masal testified about the demilitarisation of Srebrenica, Žepa and Goražde, claiming the weapons of the Žepa Brigade were never collected. Only defective and hunting weapons were surrendered in Srebrenica. He also maintained that his units did not prevent the passage of humanitarian convoys to these areas, despite the convoys being used to smuggle arms and military supplies to the Muslim fighters.

During cross-examination, the Prosecutor sought to highlight Masal's role in various incidents targeting Muslims in February 1993, including the shelling of the Goražde market place and the Štrpci train abduction and the disappearance of Sandžak Muslims. Masal did not recall and denied issuing the orders.

Masal was also cross-examined on the use of modified air bombs which the VRS allegedly used during his time as the Main Staff Artillery Chief. He denied ever ordering the firing of two air bombs, a napalm bomb and several mortar shells on 15 June 1995, as noted in a Main Staff Report. During both cross- and redirect examination, Masal claimed the modified air bombs were all tested and measured for ballistics, and were also incapable of deploying parachutes, despite claims to the contrary.

The trial continued on 23 and 24 March with the testimony of Vidoje Blagojević, former Commander of

the Bratunac Brigade. In his written statement to the Defence, Colonel Blagojević explained he received and issued orders in early July 1995 concerning the Srebrenica combat activities. However, nowhere and in no manner did the Bratunac Brigade Command provide anyone with any illegal support or assistance that would be aimed against the life of prisoners from the Srebrenica enclave.

In August 2001, Vidoje Blagojević was arrested and brought to the ICTY. He was found guilty of 5 out of 6 counts of crimes against humanity, complicity in genocide and violation of the laws or customs of war, included in his indictment by the Trial Chamber in 2005. He was sentenced to 18 years' imprisonment, of which he served 15 after the Appeals Chamber reversed his genocide conviction in 2007. In 2012, he was granted early release by the ICTY.

During his testimony, Blagojević maintained that he did not order his unit to fire at the inhabited Srebrenica enclave after the North Atlantic Treaty Organisation (NATO) attacked the weapons warehouse on 25 May 1995. He clarified that his superior command, Colonel Lazić, issued an oral order directly to the chief of artillery in order to fire shells on the town.

The witness also denied that on 16 July 1995 he visited all units which were blocking the enemy retreat, defined their tasks and organised their joint action and communication.



Milomir Savčić

On 25 and 26 March, Counsel for the Defence of Mladić called the next witness, Milomir Savčić, former Commander of the VRS' 65th Motorised Protection Regiment. His statement discussed the procedure for the treatment of prisoners of war,

which was sent to Zoran Malinić, the Commander of the Military Police Battalion in Nova Kasaba, on 13 July 1995. In this document, Mladić's Assistant for Security, Zdravko Tolimir (ICTY IT-05-88/2), instructs the subordinate command to provide accommodation for around 1,200 prisoners held at Nova Kasaba stadium in roofed buildings, to protect them from being recorded and photographed from the ground and air. However, Savčić expressed doubts about the authenticity of the document and stated that it was unacceptable as it had not been signed.

The Prosecutor put to the witness that all prisoners from Nova Kasaba, except for a few lucky survivors, were executed summarily by the end of 16 July 1995

together with thousands of other detainees. Savčić noted that he had not known about this for many years. When Presiding Judge Orić asked him if he knew about it now, the witness replied he could not contest this, because it unfortunately did happen.

On 26 March, Nedo Jovičić appeared before the Trial Chamber. Jovičić joined the Special Police Brigade of the MUP of the Republika Srpska, working as a driver of the then-Deputy of Brigade Commander. During his testimony, Jovičić was asked about the events between 11 and 13 July 1995. The Prosecution



Nedo Jovičić

mainly relied on footage taken by Zoran Petrović, also known as "Piroćanac", on the back of his car and containing various individuals and places in areas such as Potočari and Bratunac. The witness confirmed that he did not see any violence occurring in Sandići meadow and gave his own account of what happened when the footage was being taken.

Dušan Mičić appeared for the Defence on 26 March. Mičić was Commander of the Special Police Elite Platoon and took an active part in the VRS operations in Srebrenica in July 1995. In his statement to the Defence, Mičić said that on 12 July 1995 he saw Mladić hand out food and cigarettes to Muslims in Potočari. Mičić testified that he did not see men being separated from women and children in Potočari, or anyone being mistreated.

Mičić also testified about his platoon being sent to the Baljkovica sector on 15 July 1995, where they fought the column of Muslims who were trying to break through to Tuzla. According to the witness, 80 Serb soldiers were killed in the fighting and about 100 were wounded.

During cross-examination, the Prosecutor put to the witness that the fighting in the Baljkovica region stopped when an agreement was reached to open up a corridor to allow thousands of Muslims to pass through. Mičić confirmed that the opening of the corridor reduced the number of Serb casualties to a minimum, in light of the much greater number of the 28th Division soldiers who were trying to break through to Tuzla. Mičić could not remember being involved in any operation to pick up the Muslim stragglers after the corridor was closed.

LOOKING BACK...

International Courts and Tribunals

Five years ago...

Between 13 and 16 April 2010, at the invitation of the Commonwealth Secretariat, a number of Registrars of Appellate, Regional and International Courts met in Ottawa, Canada for a meeting hosted by the Supreme Court of Canada. The meeting addressed specific institutional and operational challenges, including organisational structures and procedures, security of infrastructure and documents, translation and interpretation services, witness and victims protection programmes, enforcement and financing. The Registrar of the ICTY, John Hocking, addressed the meeting on "Legal Aid and Defence Support at the ICTY". He noted that the "creation of the ADC was an

effort to offset some of the disadvantages of the Defence not being institutionally represented. It was also intended to compensate for the absence of a bar association at the international level". He stated that it was "fair to say that the ADC is now the *de facto* fourth organ of the Tribunal". Ms. Silvana Arbia from the ICC was also present and addressed the aspects of the ICC Registrar's duties in "servicing the Court" as established under Article 43(1) of the Rome Statute. Specific attention was given to the legal aid programme, family visits for detainees, and the protection and support afforded to victims and witnesses.

International Criminal Tribunal for Rwanda

Ten years ago...

On 11 April 2005, the Defence commenced their case for four former senior military officers of the Rwandan Armed Forces in the "Military I" case before Trial Chamber I at the International Criminal Tribunal for Rwanda (ICTR).

The Accused, Colonel Bagosora, Brigadier General Kabiligi, Lieutenant Colonel Nsengiyumva and Major Ntabakuze were charged with genocide, crimes against humanity and serious violations of the Geneva Conventions and Additional Protocol II.

In the opening remarks, Bagosora's Defence team said there was no evidence produced by the Prosecution to prove he was guilty of genocide. Ntabakuze's Defence said it would bring evidence absolving the Accused of the crimes and Nsengiyumva's Defence

said it would not only prove their client's innocence, but also prove he saved people during the genocide by housing threatened Tutsis. Kabiligi's Defence requested a four month delay because of having been only recently appointed.

On Appeal, Théoneste Bagosora's sentence to 35 years' imprisonment and Anatole Nsengiyumva's sentence to 15 years' imprisonment were affirmed on 14 December 2011. Aloys Ntabakuze was sentenced to 35 years on 8 May 2012. His case had been severed from that of Bagosora and Nsengiyumva in the course of the appeal proceedings due to the unavailability of Ntabakuze's former Counsel to present his appeal at the time scheduled for the hearing of the three appeals. Gratien Kabiligi had been acquitted on 18 December 2008 by the Trial Chamber.

International Criminal Tribunal for the Former Yugoslavia

Fifteen years ago...

On 28 March 2000, His Excellency José María Pons Irazazábal, the Ambassador of Spain to the Netherlands and Dorothee de Sampayo Garrido-Nijgh, Registrar of the International Criminal Tribunal for the former Yugoslavia (ICTY) signed an Agreement on the enforcement of sentences handed down by the Tribunal. Spain became the seventh United Nations Member State to enter into such an agree-

ment, after Italy (signed on 6 February 1997), Finland (7 May 1997), Norway (24 April 1998), Sweden (23 February 1999), Austria (23 July 1999) and France (25 February 2000).

The agreement differs from other agreements signed by states with the United Nations on the enforcement of sentences in that it provides for inspections of the

conditions of detention and treatment of the convicted persons by a Parity Commission instead of by the International Committee of the Red Cross (ICRC).

In addition, it provides that Spain will only consider the enforcement of sentences pronounced by the In-

ternational Tribunal where the duration of the sentence imposed does not exceed the highest maximum sentence for any crime under Spanish law (currently 30 years).

NEWS FROM THE REGION



Bosnia and Herzegovina

Former Bosnian Army Serviceman Sadiković Acquitted for Killing Civilians

On 23 March, former Bosnian Army serviceman Azemin Sadiković was acquitted by the Cantonal Court in Sarajevo of killing four Serb civilians in the village of Kasatići in the Hadžići municipality in May 1992. Presiding Judge Jasenko Ruždić explained the Prosecution's evidence was limited to a statement from a protected witness, which was found insufficient to ground a conviction. The evidence was hence not sufficient to convict Sadiković. The Judge further stated the Trial Chamber had established that Sadiković was a member of the armed forces of Bosnia and Herzegovina. Given that the attack on the village of Kasatići was carried out by the Territorial Defence Force, the Chamber concluded the Defendant was not one of the fighters who killed the Serb civilians. The decision may still be appealed at the Supreme Court in Bosnia's Federation entity.



Croatia

Compensation for Dragan Miočinović's Family

On 17 March, the Zagreb Municipal Court decided Croatia is to pay 78,400 Euros in compensation to the family of Dragan Miočinović, a Croatian Serb mechanic with the Yugoslav People's Army (JNA). Miočinović went missing in the town of Sisak (central Croatia) in September 1991, after being seized by Croatian police along with two other JNA soldiers. While the two soldiers were sent to a local prison, Miočinović was never seen again. His body was found a month later in the Sasa River, Macvasnak Mitrovica, Serbia. Until now it remains unclear who is responsible for this death, while Miočinović's wife claimed in Court that the Croatian's forces were responsible for her husband's death.



Serbia

Serbia Arrests Eight Suspects for 1995 Srebrenica Massacres

Following a war crimes investigation, eight suspects were arrested by the Serbian police in several places across the country. The operation was carried out upon the order of Serbia's War Crimes Prosecutors, following an investigation specifically targeting the former members of the "Jahorina" Training Centre as a part of special brigade of Republika Srpska police forces. The eight men are accused of committing mass killings in Kravice village near Srebrenica, a few months before the end of the Bosnian war. It is the first time that the Serbian Prosecution deals with the mass killings of civilians in the region and apparently the first time that Serbian police arrested anyone accused of doing the killing at Srebrenica. Serbia's War Crimes Prosecutor, Vladimir Vukčević, stated other suspects are still being sought. This seemingly represents a widening of local prosecutions below high-level officials and commanders.



Vladimir Vukčević

NEWS FROM OTHER INTERNATIONAL COURTS



International Criminal Court

Office of the Public Counsel for the Defence, ICC.

The views expressed herein are those of the author alone and do not reflect the views of the ICC.

Prosecutor v. Mathieu Ngudjolo Chui (ICC-01/04-02/12)

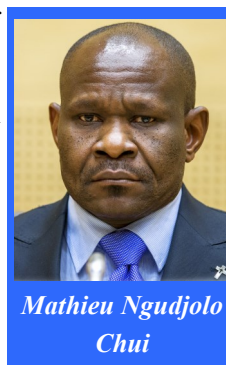
On 27 February, the International Criminal Court (ICC) Appeals Chamber confirmed by Majority Ngudjolo's acquittal of all charges before the International Criminal Court. The Appeals Chamber rejected the Prosecution's appeal, which had been based on three grounds: alleged misapplication of the standard of proof, alleged failure to consider the totality of the evidence and the Prosecutor's right to have an adequate opportunity to present her case. Moreover, the Appeals Chamber also addressed Victims' submissions on alleged errors, to the extent that they "affect[ed] [their] personal interests and remain[ed] within the ambit of the Prosecutor's grounds of appeal".

As to the first ground of appeal, the Appeals Chamber considered that the Trial Chamber had been correct in its elaboration of the standard of proof, namely that the elements of the crime and the mode of liability alleged against the accused, as well as the facts which are indispensable for entering a conviction must be established beyond reasonable doubt. In rejecting the second ground, the Appeals Chamber noted that there is no requirement to find a witness

credible simply on the basis of partly corroborating evidence, and recalled that hearsay evidence –while not necessarily deprived of probative value– may be afforded lesser weight. As to the third ground, the Appeals Chamber did find error in the Trial Chamber's refusal to allow the use of Registry reports for impeachment purposes and

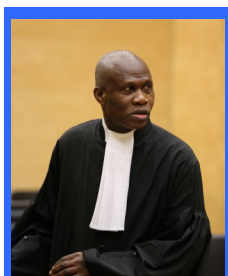
the chance to conduct a specific witness examination to ascertain alleged intimidation. Nevertheless, the Appeal Chamber concluded that said errors had in fact not materially impacted the acquittal decision.

Judge Trendafilova and Judge Tarfusser filed jointly a dissenting opinion with respect to all grounds of appeal, opining that the Appeals Chamber should have amended or reversed the judgment of acquittal and ordered a new trial before a different trial chamber.



*Mathieu Ngudjolo
Chui*

Removal Proceedings



*Jean-Pierre
Kilenda*

According to the ICC Observer, "[w]hen [Ngudjolo] left the Court room [...] he was taken into custody and brought to Amsterdam airport Schiphol by Dutch authorities. Security personnel took him away "under our eyes, under the eyes of his defence team", his ICC lawyer, Jean-Pierre Kilenda said. [...]

Ngudjolo ha[d] applied for asylum earlier. His lawyers in this asylum case filed an urgent motion asking a Dutch Court to stop his deportation. Around 5 pm a Judge ruled that the procedure must be put on hold and Ngudjolo's defence should have been heard. In a last second move, Ngudjolo "literally was taken from the plane", said Wim Eikeboom, a lawyer working on the asylum case.'

DEFENCE ROSTRUM

ADC-ICTY Advocacy Training with Michael G. Karnavas

By Annabelle Dougherty and Rupert Wheeler

On 12 March, ADC-ICTY member and Defence Counsel Michael G. Karnavas, gave a short introductory Defence Symposium on “Evidence and Objections” that was followed by a longer and more detailed training on 28 March about “Case Preparation and Advocacy”. Karnavas used his personal experiences as a trial lawyer and over twenty years of personal research in trial advocacy to develop the previously mentioned trainings. The aim of the Symposium and the Training was to familiarise young lawyers with the fundamental principles and skills needed to conduct criminal trials in the international criminal tribunals and in common law domestic jurisdictions. The two events drew staff members and interns from the ADC-ICTY, all sections of the ICTY, the International Criminal Court (ICC) and the Special Tribunal for Lebanon (STL), as well as local legal professionals and university students from around The Hague.



Michael Karnavas

Karnavas was able to engage the audience with interesting anecdotes from the various domestic and international cases he has defended during his 32-year legal career. These ranged from his experience in murder trials in the United States, to cases brought before the ICTY and the Extraordinary Chambers in the Courts of Cambodia (ECCC).

In the Defence Symposium, Karnavas began by highlighting the two critical obligations of Counsel: due diligence and making the record. Counsel must satisfy the duty of due diligence to ensure the client's fair trial rights are protected. One element of being due diligent is to make timely and specific objections that preserve the errors for appeal, i.e. making the record.

Karnavas explained different types of evidence and the criteria for admissible evidence: it must be relevant, authentic and reliable. In general, international criminal tribunals follow the principle of free evaluation of evidence, where there is a low threshold for

the admissibility of evidence and professional judges evaluate the weight to be accorded to each piece of evidence.

A core focus of the Symposium was testimonial evidence. Karnavas emphasised the importance of recognising the source of witness testimony, which may derive from external sources rather than what the witness actually experienced. He discussed the principle of orality: the Accused has a fundamental fair-trial right to confront and examine witnesses. Other topics that were discussed during the training were witness competency, the contentious practice of witness proofing/preparation, bolstering, impeachment and rehabilitation of a witness.

The remainder of the Symposium focused on the most common objections and how, why and when to make them. Karnavas emphasised during the Symposium and the Training that “You need to know the why in order to know the when; but if you do not know the how, knowing the why and when will be of no help”. He further emphasised that an objection should be timely and should state all relevant grounds. If the objection is sustained, curative relief must be sought. Where an objection from the opposite party is sustained, an offer of proof for the excluded evidence should always be made so that the issue is preserved for appeal.

On 28 March, the full-day Defence Training event centred on case preparation and advocacy. The Training began by highlighting the crucial importance of thorough case preparation - “Pre-trial preparation prevents poor trial performance”. Once the initial evidence has been reviewed, Counsel should start to develop a theory of the case. This is the version of events that best explains the client's position in light of the evidence that has been presented by the Prosecution. Only once the theory of the case has been established, can further preparation begin. If a Defence Counsel has no theory of the case in mind, there is no way that he or she can know how to approach the evidence, or what to say in the opening and closing

arguments. Karnavas suggested that the case theory should be linked with a theme that will help advance the case before the trier of fact.

Brainstorming can be an effective way of developing a case theory: legal and evidentiary issues should be considered and reviewed regularly. A visit to the crime scene is often vital. The strengths and weaknesses of the Prosecution case should be analysed, and the best means of attack should be identified. Once this has been done, Counsel will be in a better position to advise on further investigative tasks which will help develop the theory of the case.

The latter part of the session was focused on trial advocacy and, in particular, direct-examination and cross-examination. Attendees were provided guidelines for each and given a detailed explanation of the different types of questions that should be asked during a cross-, direct-, or redirect-examination. Karnavas explained how direct-examination should assist the witness in painting a picture of their account. Counsel should use open questions which allow the witness to develop their narrative in a flowing order. In contrast, cross-examination is an opportunity to develop one's own case theory. It should therefore be limited to leading and closed questions which compel the witness to give answers that are helpful to the client's case. Karnavas stressed how less is more

when it comes to cross-examination and once you get your answer to sit down. Asking more questions than necessary can often result in an answer that undermines the favourable evidence given by the witness.

At the end of the session, there was an opportunity for attendees to practise their direct- and cross-examination skills. Using case materials provided by the International Criminal Law Bureau (ICLB), participants took turns in playing Prosecution Counsel, Defence Counsel and the witness. Karnavas assumed the role of the Judge and provided tips on how to improve questioning techniques.

The sessions were both fascinating and informative, and the ADC-ICTY would like to thank Michael G. Karnavas for the hard work and time that he put in to these events. Information on upcoming advocacy sessions may be found here: <http://adc-icty.org/home/opportunities/advocacy%20training.html>



Advocacy Training

ADC-ICTY Intern Field Trip to the Serbian Embassy

By Daynelis Vargas

On 25 March, ADC-ICTY interns visited the Embassy of the Republic of Serbia in The Hague. The interns were welcomed by First Counsellor Saša Obradović, a former Agent of the Republic of Serbia to the International Court of Justice (ICJ) and a State Representative before the Trial Chambers of the International Criminal Tribunal for the Former Yugoslavia (ICTY).



Saša Obradović and ADC Interns

Obradović then outlined his career path before entering the international arena. He was a Judge in what is the territories of

the present day Republic of Serbia during the collapse of the Federalist Republic of Yugoslavia. When the ICTY was created and a case was brought against the Republic of Serbia by Croatia at the ICJ, Obradović was asked to move to The Hague as an Agent of the State.

Obradović explained that his work at the Embassy is rather versatile. He has to prioritise the work that he performs based on the issues facing the international environment. The interns were able to ask questions, primarily how the perception of the Tribunal has changed in the years since it started. Obradović explained briefly the issues he has seen, concluding with some career advice for interns.

The visit was informative and enjoyable and we thank Saša Obradović very much for his time.

Woman in Key Leadership Positions in the Field of Law: A Global Perspective

By Daynelis Vargas

On 10 March, a number of embassies and consulates hosted an event titled “Women in Key Leadership Positions in the Field of Law: A Global Perspective”. The event featured a distinguished panel composed of H.E. President (ret.) Dorit Beinisch (The Supreme Court of Israel), H.E. Prosecutor Fatou Bensouda (International Criminal Court), H.E. Judge Joan E. Donoghue (International Court of Justice), H.E. Professor María Teresa Infante (Ambassador of Chile to the Netherlands) and Dr. Liesbeth Lijnzaad (The Legal Advisor to the Netherlands Ministry of Foreign Affairs). The debate was monitored by Corinne Dettmeijer-Vermeulen (Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children).

After thanking all those in attendance the monitor, Dettmeijer-Vermeulen began by asking each panellist to talk about how, being a women, has influenced the ways in which they make decision in Court. Judge Beinisch, who was part of a ruling in the Supreme Court of Israel that outlawed corporal punishment explained that “you never know” how being a women plays into decision making but that her decision in the previously mentioned ruling was based more on protecting the weak. Judge Beinisch explained that children are weak members of society and that the law should aim to protect the weak. When addressing the same question mentioned before to the ICC Prosecutor, Bensouda expressed that while working in her home country, she saw many male advocates for women’s rights. She added that she felt like she could relate to women’s issues and advocate for them more than what she was currently observing. Bensouda further elaborated that sexual and gender based crimes dominate conflicts and that seeking justice for victims of these crimes is one of the things that drives her career.

Judge Donoghue contributed to the conversation by illustrating how difficult it is to associate one aspect of your being to the ways in which decisions are made. Judge Donoghue used the example of the judges at the International Court of Justice. She explained that “[they] are not paper dolls” and thus there are

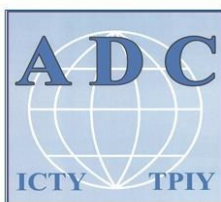
many variables that contribute to personality that it would be difficult to isolate one and to comment on how it influences specific decisions.

After a number of comments by the different panellist, the moderator presented a question about how the panellists have managed to balance working and having a life at home. It was almost a consensus of the panellists that this question was one that they often got, but truly disliked. Notably, Judge Donoghue and Lijnzaad both commented about how this question is never asked of men and that that might be one of the fundamental parts of the problem.

Given that the audience was composed of many aspiring young professionals, the concluding remarks of the panel consisted of each panellist providing a bit of advance to those in attendance. Bensouda was adamant about explaining that her situation was the exception rather than the rule in most African societies. She explained that her mother gave her and her brothers equal access to education, when normally the standard is for girls to be married before they finish High School. Bensouda then added that strong female figures, especially strong female mentors are important in a young girl’s life.

Judge Donoghue advised the audience to have confidence in their abilities, to trust the own ability to succeed and to not be afraid to push themselves. To which Beinisch added that one needs to be committed and focus on the goals that you want to achieve. Beinisch emphasised that a total commitment was absolutely key in being able to succeed.

Infante stressed the need and importance of keeping balance and to stay patient. She advised to avoid confrontations, because it is also important to be seen as a partner at work. Last but not least, Lijnzaad explained that this world is becoming more and more competitive and thus, it is important to be an expert in your field. If you want to be successful, she explained, you have to “know your stuff”, there are many qualified individuals out there and it is every so important to be an expert in your field.



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FINAL BRIEFS AND APPEALS.

By Colleen Rohan

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Location: **ICTY Pressroom
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Contact adcicty.headoffice@gmail.com for further information and register **by 17 April 2015.**

Only limited space available!

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Coffee, tea and biscuits will be provided, lunch is excluded.

For more information for the Advocacy Training please visit: <http://adc-icty.org/home/opportunities/advocacy%20training.html>

BLOG UPDATES AND ONLINE LECTURES

Blog Updates

Michael G. Karnavas, “**Evidence and Objections: ADC-ICTY Defence Symposium**“, 19 March 2015, available at: <http://tinyurl.com/qcxy5mk>

Julien Maton, “**The Armenian Genocide Legacy 100 Years on**“, 22 March 2015, available at: <http://tinyurl.com/pkdjquh>

Michael G. Karnavas, “**Establishment of a Victims and Defence Office at the ICC**“, 31 March 2015, available at: <http://tinyurl.com/q5dhvz8>

Online Lectures and Videos

“*Serge Sur, La paix et la sécurité internationales selon la Charte des Nations Unies: virtualités et pratiques*“, by University of Geneva, 25 November 2014, available at: <http://tinyurl.com/k6bm5j>

“*Legal Studies—The Adversary Trial System*“, by ALISON, available now at: <http://tinyurl.com/q6gf29u>

“*Droit international et droit comparé: regards croisés*“, by COURSERA, 30 April 2015, available at: <http://tinyurl.com/l3av3r>

PUBLICATIONS AND ARTICLES

Books

A. Marossi and M. Bassett (2015), **Economic Sanctions under International Law - Unilateralism, Multilateralism, Legitimacy and Consequences**, T.M.C. Asser Press.

L. Chen (2015), **An Introduction to Contemporary International Law, A policy-Oriented perspective**, 3rd ed., Oxford University Press.

R. White and S. Perrone (2015), **Crime, Criminality and Criminal Justice**, 2nd ed., Oxford University Press.

Articles

A. Kulick (2015), “**Article 60 ICJ Statute, Interpretation Proceedings, and the Competing Concepts of *Res Judicata***“, Volume 28, Issue 1, Leiden Journal of International Law.

M. Lawry-White (2015), “**The Reparative Effect of Truth Seeking in Transitional Justice**“, Volume 64, Issue 1, International and Comparative Law Quarterly.

P. Flory (2015), “**International Criminal Justice and Truth Commissions: From Strangers to Partners?**“, Volume 13, Issue 1, Journal of International Criminal Justice.

CALL FOR PAPERS

The International Society of Public Law has issued a call for papers on “Public Law in an Uncertain World” for their conference at New York University School of Law.

Deadline: 10 April 2015

More info: <http://tinyurl.com/nvnhjx5>

Dr. Jessie Hohmann from Queen Mary University of London and **Dr. Daniel Joyce** from the University of New South Wales invite proposals to “International Law’s Objects: Emergence, Encounter and Erasure Through Object and Image”.

Deadline: 18 April 2015

More Info: <http://tinyurl.com/o3gz8ls>

The Santander Art and Culture Law Review has issued a call for papers for its second 2015 publication on “Terrorism, Non-International Armed Conflicts & the Protection of Cultural Heritage”.

Deadline: 30 June 2015

More Info: <http://tinyurl.com/n38n9b9>

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Any contributions for the newsletter
should be sent to Isabel Düsterhöft at
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EVENTS

The Rules of Warfare for Non-State Actors

Date: 18 April 2015
Location: Humanity House Den Haag
More Info: <http://tinyurl.com/mqfy868>

The Hague Conference on International Legal Diplomacy

Date: 22 April 2015
Location: The Hague Institute for Global Justice
More Info: <http://tinyurl.com/or5uj49>

Event on "Careers in Public and International Law"

Date: 28 April 2015
Location: British Institute of International and Comparative
Law, London
More Info: <http://tinyurl.com/psbbxbw>

OPPORTUNITIES

Legal Officer, P-3

Special Tribunal for Lebanon, Registry
Closing Date: 8 April 2015

Case Manager, P-1

International Criminal Court, Office of the Prosecutor
Closing Date: 16 April 2015

Database Coordinator, P-1

International Criminal Court, Office of the Prosecutor
Closing Date: 17 April 2015

Investigator, P-3

Special Tribunal for Lebanon, Office of the Prosecutor
Closing Date: 29 April 2015

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iduesterhoeft@icty.org

Happy
Easter!



GOODBYE

*The ADC-ICTY would like to express its sincere
appreciation and gratitude to Ruby Axelson, Alessio
Gracis and Emma Roberts for their contribution to the News-
letter, we wish them all the best for the future!*