



Security Council

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**Letter dated 18 November 2013 from the President of the
International Tribunal for the Prosecution of Persons Responsible
for Serious Violations of International Humanitarian Law
Committed in the Territory of the Former Yugoslavia since 1991,
addressed to the President of the Security Council**

I am pleased to transmit herewith the assessments of the President (see annex I) and the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution [1534 \(2004\)](#).

I would be grateful if you could transmit this assessment to the members of the Security Council.

(Signed) Theodor **Merón**
President

* Reissued for technical reasons on 12 December 2013.



Annex I

[Original: English and French]

Assessment and report of Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) and covering the period from 24 May to 18 November 2013

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1. This report is submitted pursuant to Security Council resolution 1534 (2004), adopted on 26 March 2004, in paragraph 6 of which the Security Council requested the International Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions.¹

2. This report also includes a summary of the measures that the Tribunal is taking to ensure a smooth transition to the International Residual Mechanism for Criminal Tribunals.

I. Introduction

3. At the close of the reporting period, four individuals are on trial, and 21 are in appeal proceedings. Following the arrests of Ratko Mladić and Goran Hadžić in 2011, there are no outstanding fugitives. To date, the Tribunal has concluded proceedings against 136 of the 161 individuals it indicted.

4. The continuing progress in the 12 trial and appeal cases under way during the reporting period was made possible by the assignment of judges and staff to multiple cases.² Two trial judgements, one appeal judgement from a judgement of acquittal entered under rule 98 bis of the Rules of Procedure and Evidence of the Tribunal, one contempt trial judgement, and one contempt appeal judgement were rendered. Scheduling orders setting the dates of delivery for two additional appeal judgements were filed during this reporting period.

5. Appeals from seven trial judgements, involving 21 individuals, are currently pending before the Appeals Chamber. In addition, the judges of the Appeals Chamber heard appeals from trial judgements of the International Criminal Tribunal for Rwanda.

6. The multiple judgements rendered during the reporting period demonstrate the Tribunal's progress in completing its mandate. However, significant challenges remain as the Tribunal conducts its final trials and appeals. As a general matter, the Tribunal's trials and appeals continue to be affected by the loss of highly experienced staff members. This challenge has the potential to delay the judgement completion dates set out in this report.

¹ The present report should be read in conjunction with the previous 19 reports submitted pursuant to Security Council resolution 1534 (2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007; S/2007/663 of 12 November 2007; S/2008/326 of 14 May 2008; S/2008/729 of 24 November 2008; S/2009/252 of 18 May 2009; S/2009/589 of 13 November 2009; S/2010/270 of 1 June 2010; S/2010/588 of 19 November 2010; S/2011/316 of 18 May 2011; S/2011/716 of 16 November 2011; S/2012/354 of 23 May 2012; S/2012/847 of 19 November 2012; and S/2013/308 of 23 May 2013. Except where otherwise noted, this report contains information accurate as at 15 November 2013.

² This figure includes cases where judgements were delivered during the reporting period. Where a case was in both trial and appeal stages, it is counted only once.

7. On 31 May 2013, Appeals Chamber Judge Andréia Vaz (Senegal) resigned from the Tribunal. On 31 October 2013, Judge Mandiaye Niang (Senegal) was sworn in as a judge of the Tribunal. He has already been assigned to several cases. The Tribunal also notes that the General Assembly will be holding an election to select a judge of the Tribunal on 18 November 2013, returning the Tribunal to its full complement of judges and thus aiding efforts to complete remaining cases expeditiously.

8. The Tribunal undertook a variety of initiatives aimed at providing assistance and support to victims and pursued a number of legacy and capacity-building projects. The outreach programme continued its efforts to bring the work of the Tribunal closer to communities in the former Yugoslavia. The Tribunal also worked diligently to ensure a smooth transition to the Mechanism.

II. Measures taken to implement the completion strategy

9. The Tribunal remains committed to completing its work expeditiously, while ensuring that its trials and appeals are conducted in a manner which adheres to fundamental principles of due process and fairness. The Tribunal continues to implement measures that have expedited its work. These measures include altering preparations for drafting judgements so that this work can begin at an earlier stage of trials and appeals; actively managing the translation process for judgements and assigning additional resources to key translations; and maintaining rosters of qualified applicants to ensure that departing staff can be replaced promptly.

10. The President has also continued his practice of meeting with judges and leaders of drafting teams to explore ways in which any obstacles to expeditious drafting can be resolved. These efforts complement the work of the working group of the Tribunal on trial and appeal schedules, which, under the chairmanship of the Tribunal's Vice-President, closely monitors the progress of trials and appeals, identifying obstacles that could delay judicial proceedings and allowing best practices to be shared.

11. In order to provide a more comprehensive overview of the Tribunal's progress in completing its work, summaries of cases currently before the Tribunal are provided below.

A. Trial proceedings

12. The trial judgement in the case of *Prosecutor v. Jadranko Prlić et al.* was delivered on 29 May 2013. The accused were found guilty of several counts of war crimes and crimes against humanity for their participation in a joint criminal enterprise with the objective of removing part of the Muslim population from territories over which the Bosnian Croat leadership wanted to establish Croat domination. Jadranko Prlić was sentenced to 25 years of imprisonment; Bruno Stojić, Slobodan Praljak and Milivoj Petković were each sentenced to 20 years of imprisonment; Valentin Ćorić to 16 years of imprisonment; and Berislav Pušić to 10 years of imprisonment.

13. The trial judgement in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* was delivered on 30 May 2013. Both accused were acquitted.

14. In the case of *Prosecutor v. Vojislav Šešelj*, a scheduling order was issued announcing that the trial judgement would be delivered on 30 October 2013. The scheduling order was, however, subsequently rescinded, due to an application for disqualification of Judge Frederik Harhoff, which was filed by Mr. Šešelj on 9 July 2013. On 28 August 2013, a panel appointed to examine the merits of this request upheld Mr. Šešelj's application. On 7 October, the panel rejected a request for reconsideration of its decision and, on 31 October, Judge Mandiaye Niang was assigned to replace Judge Harhoff. Judge Niang is currently familiarizing himself with the trial record and reviewing related documents. Once he completes this process, the trial bench will be in a position to decide on next steps in this case.

15. In the case of *Prosecutor v. Goran Hadžić*, the accused is charged with 14 counts of crimes against humanity and violations of the laws or customs of war. The trial commenced on 16 October 2012, and the trial judgement is expected in December 2015, as previously forecast.

16. In the case of *Prosecutor v. Radovan Karadžić*, the accused is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war. The trial's projected time frame has been revised and the trial judgement is now expected in October 2015, three months later than previously anticipated.

17. The delay in delivery of the trial judgement is attributable to the Appeals Chamber's reversal, on 11 July 2013, of the Trial Chamber's oral rule 98 bis ruling of 28 June 2012, which had acquitted Mr. Karadžić of genocide under count 1 of the operative indictment. Following this reversal, the Trial Chamber granted, in part, Mr. Karadžić's request for an adjournment of the proceedings to prepare for the remainder of his defence case with the inclusion of count 1, and suspended hearings for two months. On 29 October 2013, the Trial Chamber granted the accused an additional 25 hours in which to present his evidence on count 1. Cumulatively, these additional proceedings will lengthen the period before delivery of the trial judgement by three months.

18. In the case of *Prosecutor v. Ratko Mladić*, the accused is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war. The trial judgement is still expected in July 2016, as previously forecast. However, on 22 October 2013, the Appeals Chamber reversed the Trial Chamber's decision on the sitting schedule in the case and ordered it to sit four instead of five days per week for the remainder of the prosecution's case. The Appeals Chamber's decision could lead to delays in the overall scheduling of the case.

19. As the above summary of ongoing trials indicates, the Tribunal will not be able to complete the trial proceedings involving Mr. Karadžić, Mr. Mladić and Mr. Hadžić by 31 December 2014, the date for completion indicated by the Security Council in resolution 1966 (2010). In these three cases, the late arrests of the indicted individuals made it impossible to meet the time frames requested by the Security Council.

B. Contempt proceedings

20. The Tribunal's trial schedule continued to be affected by the need to prosecute alleged acts of contempt. However, the Tribunal has taken what measures it can to

ensure that all contempt cases are concluded as quickly as possible without affecting ongoing trials.

21. The contempt trial judgement in the case against *Radislav Krstić* was delivered on 18 July 2013. Mr. Krstić was found not guilty and acquitted of one count of contempt of court.

22. The contempt appeal judgement in the case of *Prosecutor v. Vojislav Šešelj* was delivered on 30 May 2013, dismissing the sole ground of appeal filed by Mr. Šešelj. The contempt appeal judgement affirmed Mr. Šešelj's sentence of two years of imprisonment.

C. Appeal proceedings

23. An appeal judgement in the case of *Prosecutor v. Radovan Karadžić* was delivered on 11 July 2013. The Appeals Chamber granted the prosecution's appeal against a partial acquittal on the basis of rule 98 bis of the Rules, and reinstated charges of genocide under count 1 of the indictment.

24. In the case of *Prosecutor v. Vlastimir Đorđević*, an order was issued on 15 November 2013 scheduling the delivery of the appeal judgement for 27 January 2014, one month later than previously anticipated. The delay in delivery of the appeal judgement is caused by the complexity of the case, ongoing deliberations, and the heavy workload of the Appeals Chamber judges.

25. In the case of *Prosecutor v. Vujadin Popović et al.*, the projected time frame for delivery of the appeal judgement is unchanged and the appeal judgement is expected in October 2014. An appeal hearing was scheduled for December 2013. The number of requests for additional evidence on appeal increased from 6 to 12 during the reporting period, of which 7 remain to be decided.

26. In the case of *Prosecutor v. Jadranko Prlić et al.*, two convicted individuals and the prosecution have filed notices of appeal, while the other four convicted individuals received extensions of time in which to file these notices. The appeal judgement is expected to be delivered in June 2017. This forecast is based on initial analysis of the trial judgement, notices of appeal, and comparisons to similarly sized cases. In particular, as several defence teams do not work in French, briefing cannot be completed until the 2,500-page trial judgement is translated from French into English. That translation is expected in June 2014, with briefing in the appeal expected to be completed by January 2015. The projected delivery of the appeal judgement may be revised following the filing and analysis of the remaining notices of appeal.

27. In the case of *Prosecutor v. Nikola Šainović et al.*, an order was issued on 15 November 2013 scheduling delivery of the appeal judgement for 23 January 2014, one month later than previously forecast. This short delay is due to the exceptional size and complexity of the case coupled with the heavy workload of members of the bench in various ongoing appeal cases.

28. In the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the prosecution has filed an appeal brief. The appeal judgement is expected in December 2014. This forecast is based on analysis of the trial judgement and the prosecution's appeal brief, as well as comparisons to similarly sized cases.

29. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, the projected time frame for delivery of the appeal judgement is unchanged and the appeal judgement is expected in April 2015. Mr. Stanišić, Mr. Župljanin and the prosecution have filed their respective appellate briefs. However the Appeals Chamber is currently reviewing motions to amend the notices of appeal; decisions on these motions may alter the appeal briefing schedule and change the projected time frame for delivery of the appeal judgement.

30. In the case of *Prosecutor v. Zdravko Tolimir*, the projected time frame for delivery of the appeal judgement is unchanged and the appeal judgement is expected in March 2015. Briefing was completed in November 2013.

31. Despite the Tribunal's continuing efforts, it is currently anticipated, as first noted in the Tribunal's report to the Security Council of May 2013 and shown in the appeal chart enclosed with this report, that the Tribunal will have difficulty in completing the appeals in the *Prlić et al.*, *Stanišić and Župljanin*, and *Tolimir* cases by 31 December 2014 as requested by the Security Council in resolution [1966 \(2010\)](#). Appeals in the cases of *Tolimir* and *Stanišić and Župljanin* are anticipated to be completed by March and April 2015, respectively. In the case of *Prlić et al.*, two notices of appeal were filed before 1 July 2013. Pursuant to Council resolution [1966 \(2010\)](#), jurisdiction over this appeal remained with the Tribunal, and the appeal judgement is expected only in June 2017. The Appeals Chamber of the Tribunal will function concurrently with the Appeals Chamber of the Mechanism after 31 December 2014. Appeals in the *Hadžić, Karadžić, Mladić*, and *Šešelj* cases, if any, will be filed after 1 July 2013 and will therefore fall within the jurisdiction of the Mechanism pursuant to Security Council resolution [1966 \(2010\)](#).

D. Access decisions

32. The bench constituted to decide requests for access to confidential information for use in national proceedings under rules 75(G), 75(H) and 75 bis of the Rules rendered 11 decisions during the reporting period. In October 2013, judicial assistance was rendered for the first time pursuant to rule 75 bis, whereby prosecutors from a national jurisdiction interviewed a person under the authority of the Tribunal on its premises.

III. Retention of staff

33. Staff attrition and staff shortages pose major obstacles to the expeditious completion of the Tribunal's work. The Tribunal has taken a number of non-monetary measures to stem the flow of staff departures in an effort to ensure that staff remain until their services are no longer required. These include measures aimed at improving job security, conditions of work, and providing a range of training and career development opportunities. However, these measures have not been sufficient to ensure that staff members remain with the Tribunal until their posts are abolished.

34. The Tribunal has previously made specific requests for assistance in addressing staff attrition, including creation of a United Nations-wide task force to provide opportunities for downsized Tribunal staff in other United Nations entities;

adoption of an end-of-service grant as recommended by the International Civil Service Commission for staff separating from the Tribunal on completion of their contracts; and the right to directly recruit interns to fill vacant P-2 posts. However, only the latter measure has been authorized.

35. The Tribunal is fully cognizant of the difficult financial circumstances facing the United Nations. However, the staff retention measures proposed by the Tribunal would cost comparatively little and would result in overall cost savings and efficiency gains. Member State support for future Tribunal proposals with respect to staff retention will be critical to ensuring that the forecast trial and appeal completion dates contained in this report are met.

IV. Referral of cases

36. From 2005 to 2007, the Tribunal referred a total of 8 cases, involving 13 accused of intermediate or lower rank, to national jurisdictions in accordance with Security Council resolutions [1503 \(2003\)](#) and [1534 \(2004\)](#). This reduced the overall workload of the Tribunal, making it possible to bring the cases of the most senior leaders to trial sooner than would otherwise have been possible. The referral of those cases to national jurisdictions also increased engagement with national judiciaries in the former Yugoslavia and helped to build the capacity of those jurisdictions in the prosecution of violations of international humanitarian law, thus reinforcing the rule of law in these new States.

37. The decisions on referral of cases were made by a specially appointed referral bench, followed by appeals against the referral decisions in some cases. As a result, 10 accused were transferred to Bosnia and Herzegovina, two to Croatia, and one to Serbia. Requests for the referral of four accused were denied due to the level of responsibility of the accused and the gravity of the crimes charged. No cases eligible for referral according to the seniority criteria set by the Security Council remain before the Tribunal.

38. With respect to the 13 persons transferred to national jurisdictions, proceedings against 12 have been concluded. The remaining individual, Vladimir Kovačević, was determined not fit to stand trial by the Serbian judiciary in December 2007.

V. Outreach

39. The outreach programme continued to work with a wide range of partners to deliver factual information about the Tribunal's work to the communities of the former Yugoslavia. The outreach programme also worked to facilitate debate in the former Yugoslavia about the Tribunal's legacy and broader issues of transitional justice. Activities were designed and implemented with the aim of making them sustainable beyond the lifetime of the Tribunal, through cooperation with local governmental and non-governmental partners. The Tribunal's Media Office ensured that journalists had access to accurate, up-to-date information on judicial activities, as well as audiovisual material for use in their reports.

40. In October 2013, the outreach programme successfully completed the second cycle of its youth education project, generously supported by the Government of

Finland. Under the aegis of this project, presentations were held in high schools and universities in Bosnia and Herzegovina, Croatia and Kosovo,³ and in universities in Serbia and Montenegro. Those presentations allowed the Tribunal to reach out to young people across the region and provide information about the Tribunal's mandate, work and achievements, while increasing awareness of broader issues of transitional justice and post-conflict reconstruction. In addition, the second in a series of documentaries produced in-house by the outreach programme, entitled "*Crimes before the ICTY: Prijedor*", was broadcast to a wide audience in June 2013. This effort included broadcasts on 12 local television stations in Bosnia and Herzegovina and their satellite audiences in the United States, Canada and northern Europe.

41. The Tribunal's remaining field offices in Belgrade and Sarajevo continued liaison and outreach work in their respective countries. This included organization of, or participation in, approximately 15 outreach events. In addition, the Tribunal in The Hague welcomed thousands of visitors from all over the world, including countries of the former Yugoslavia.

42. To mark the twentieth anniversary of the establishment of the Tribunal, an exhibition was prepared covering the most important events and key achievements of the Tribunal throughout the first two decades of its work. The exhibition was first launched at The Hague City Hall, and then transferred to the Historical Museum in Sarajevo. In 2014 the exhibition will be moved to Belgrade.

43. The Tribunal has expanded its presence on social media platforms during the reporting period. On average, from 30 to 40 per cent of visits to its sites emanate from the former Yugoslavia. The Tribunal's Twitter account has continued to grow in popularity, adding hundreds of additional followers, while its YouTube channel remains popular, with over 300,000 views during this reporting period. Content published to the Tribunal's Facebook page also adds to the reach of the Tribunal's online presence, with an average of 20,000 views a month. The social media channels reach out to individuals in all walks of life, from professionals within the field of international justice to youth in the former Yugoslavia interested in the work of the Tribunal. The Tribunal's website remains a key outreach and legacy tool. During the reporting period, more than 1,500,000 pages were accessed from all regions of the world, with 23.5 per cent of views originating from the former Yugoslavia. In addition, significant activities of the Tribunal have been reported on the Tribunal's Facebook page.

44. The outreach programme continues to face funding challenges. Although resources were secured from the European Union earlier in 2013, the funding currently available is only sufficient to guarantee the continuation of the programme until March 2014. These funding challenges reflect the difficulty of maintaining stable programming when funds for all outreach activities must be raised independently, separate from general funding for the Tribunal. The Tribunal's outreach programme will continue its fundraising efforts, while underlining the importance of General Assembly resolution [65/253](#), in which the Assembly encouraged the Secretary-General to continue to explore measures to raise voluntary funds for outreach activities. The Tribunal calls upon States and other donors to support outreach activities.

³ References to Kosovo shall be understood in the context of Security Council resolution 1244 (1999).

VI. Victims and witnesses

45. During the period of the current report, approximately 300 witnesses and accompanying support persons were brought to the Tribunal. Without the courage of those witnesses in stepping forward and giving evidence, there would be no trials and impunity would reign. Still, many witnesses have experienced a range of difficulties resulting from their testimony before the Tribunal, and the Tribunal's resources are simply incapable of meeting all of their needs. Many witnesses have already endured suffering and loss as a result of the conflicts in the former Yugoslavia, and they continue to require various forms of support. The Victims and Witnesses Section of the Tribunal provided extensive logistical and psychosocial support to witnesses in The Hague and other locations, addressing diverse needs related to age, medical conditions, psychosocial well-being, and issues related to travel and the testimony process.

46. The large number of witnesses called in the *Karadžić* trial has placed heavy demands on the operational and support services of the Victims and Witnesses Section over the past year, and more generally there continues to be an increased number of detained individuals that have been called to serve as witnesses in ongoing trials. Detained witnesses are either convicted by national courts or are individuals convicted by the Tribunal who are serving their sentences in various enforcement States. The legal and logistical support required to transfer detained witnesses to the Tribunal is significant and requires engaging with national authorities, immigration entities and counter-terrorism agencies.

47. As the Tribunal works towards the completion of its activities, it continues to face challenges in relation to the relocation of witnesses. In addition, as the Tribunal nears completion of its mandate, the number of requests from national authorities pursuant to rule 75(H) of the Rules has increased. In accordance with rule 75 of the Rules, the Victims and Witnesses Section is required to consult protected witnesses prior to the rescission, variation or augmentation of protective measures and file responses to the relevant Chamber. Simultaneously, the Section also receives a substantial number of requests pursuant to rule 75(G) of the Rules from parties in active trials before the Tribunal, also requiring witness consultation and filings in response. These requests for assistance and resulting consultations put a strain on the Section's resources, especially in the context of staff downsizing.

48. In preparation for the launch of the Mechanism, the Section assisted with the development of standard operating procedures for the Mechanism for the provision of support and protection services to victims and witnesses. The witness protection function relating to witnesses who appeared in closed cases of the Tribunal transferred to the Mechanism on 1 July 2013, consistent with the transitional arrangements set out in Security Council resolution [1966 \(2010\)](#). The Section ensured that witnesses and relevant State authorities were informed in this regard.

VII. Cooperation of States

49. There are no outstanding fugitives. This milestone is the result of successful efforts by States and the Prosecutor to locate and transfer fugitives to the jurisdiction of the Tribunal.

VIII. Judicial support and administration activities

A. Support for core judicial activities

50. A principal priority of the Registry during the reporting period was providing full support to the Tribunal's ongoing judicial activities, thereby assisting the Tribunal in reaching its completion targets. The Court Management and Support Services Section, the Conference and Language Services Section, the Office for Legal Aid and Defence, the United Nations Detention Unit and the Victims and Witnesses Section all continued streamlining operations to ensure the most efficient and effective support to the judges and the Prosecutor.

B. Downsizing

51. The downsizing process continues to be implemented. During the current biennium, the Tribunal expects to downsize 120 posts in line with the trial and appeal schedule. Using the comparative review process, staff members are placed against specific posts selected for downsizing. Staff members' contract validity dates are synchronized to the dates set for the abolition of their posts. The comparative review process for post reductions in the current biennium was completed in 2011. The Tribunal is now preparing for the comparative review process for the 2014-2015 biennium. This exercise was conducted as early as possible in order to provide staff members with the maximum contractual security that prudent financial planning will permit. The Office of Internal Oversight Services stated that it considered the Tribunal's downsizing process to be "best practice in leadership of a change process".

C. Budget for 2014-2015

52. The Tribunal, the International Criminal Tribunal for Rwanda, and the Mechanism have worked together to prepare the budgets for the biennium 2014-2015. These will appropriately reflect the distribution of functions between the two Tribunals and the Mechanism, maximizing economies of scale while fully supporting both the Mechanism as it is established and the two Tribunals as they downsize. The budgets have been submitted to the Budget Office in New York, and will in due course be considered by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee of the General Assembly.

IX. Support to the International Residual Mechanism for Criminal Tribunals

A. Overview of Mechanism-related activities

53. In accordance with Security Council resolution [1966 \(2010\)](#), the Registry of the Tribunal provided substantial support to the Mechanism in preparation for the inauguration of the Mechanism's branch at The Hague on 1 July 2013.

54. A total of 29 Tribunal staff have been formally identified as undertaking dual roles for both the Tribunal and the Hague branch of the Mechanism. These include staff members working in the areas of translation, witness protection, communications, information technology support, and Registry management. Beyond those 29 “double hatting” staff, all sections of the Registry have provided support to the Mechanism, which has no independent administrative structure of its own in the current biennium.

B. Transfer of functions from the Tribunal to the Mechanism

55. On 1 July 2012, the Tribunal transferred the records and archives management function to the Mechanism. The Mechanism Archives and Records Section assumed responsibility for the Tribunal’s central records repositories, which currently contain approximately 700 linear metres of non-judicial records from all organs of the Tribunal.

56. On 1 July 2013, in accordance with the transitional arrangements annexed to Security Council resolution [1966 \(2010\)](#), the Tribunal transferred to the Mechanism certain judicial and prosecutorial functions, as well as other functions of the Tribunal, including the supervision of enforcement of sentences, assistance requests from national authorities, and the protection of victims and witnesses in closed cases and in cases where a witness is relevant to judicial activities of both the Tribunal and the Mechanism.

C. Regulatory framework of the Mechanism

57. The two Tribunals continued to assist the Mechanism with the drafting of its regulatory framework for the provision of judicial services. The extensive involvement of the International Tribunal for the Former Yugoslavia in the drafting process has ensured that its legal framework and practices are adequately reflected in relevant Mechanism documents. This will obviate the need for separate regulatory frameworks at the two branches of the Mechanism in almost all cases, thereby economizing resources.

D. Premises and host State agreement

58. Security Council resolution [1966 \(2010\)](#) identifies the seats of the branches of the Mechanism as The Hague and Arusha. In order to realize cost savings and maximize efficiency, the branch of the Mechanism in The Hague will be co-located with the Tribunal during the period of their coexistence. The Tribunal is assisting the Office of Legal Affairs in negotiating an appropriate headquarters agreement with the host State and will continue assisting the Mechanism in those negotiations. Until such a headquarters agreement is concluded, the Tribunal’s host State agreement provisionally applies to the Hague branch of the Mechanism.

E. Information security and access regime for Tribunal and Mechanism records

59. The Mechanism Archives and Records Section is leading the development and implementation of record-keeping policies for the Tribunal. Since the Secretary-General's approval of bulletin [ST/SGB/2012/3](#), on International Criminal Tribunals: information sensitivity, classification, handling and access, the Section and the Office of the Registrar have prepared guidance documents and commenced a series of training sessions for designated Tribunal staff to ensure efficient and effective implementation of the bulletin's provisions.

F. Preparation of records for migration to the Mechanism

60. The Tribunal continues to work on projects to prepare its digital and hard-copy records for transfer to the Mechanism. These include projects to audit key collections of digital and physical records and to improve the quality of the indexes to those collections, ensuring that they will be accessible and usable in the future.

61. The records disposition plans referred to above include actions to be taken by particular Tribunal offices with respect to digital and physical records before the closure of the offices. The Mechanism Archives and Records Section has continued to offer advice and guidance to the Tribunal as it prepares its records for transfer.

G. Administrative support provided to the Mechanism

62. The budget of the Mechanism stipulates that administrative support services will be provided by the two Tribunals. Accordingly, the Tribunal has been working in close cooperation with the International Criminal Tribunal for Rwanda to ensure that both branches of the Mechanism are provided with effective administrative services throughout the 2012-2013 biennium.

63. The Tribunal's Human Resources Section continues to administer all Inspira recruitments for Professional posts for the Mechanism. The majority of Mechanism staff members have now been recruited, located in The Hague, Arusha and Kigali. Of the 60 Mechanism positions available from 1 July 2012 across both branches, all but five posts have either been filled or are now under recruitment. Staff who have been recruited or laterally transferred to the Mechanism include nationals of the following States: Albania, Australia, Belgium, Burundi, Cameroon, Canada, China, Colombia, Croatia, Democratic Republic of the Congo, France, Germany, India, Italy, Jamaica, Kenya, Mali, Nepal, Netherlands, New Zealand, Rwanda, Senegal, Serbia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Republic of Tanzania, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Zimbabwe. Approximately 86 per cent were current or former staff of the Tribunals at the time of recruitment. The Mechanism has passed the gender parity goals set by the Secretary-General with a 70 per cent female gender rate in the Professional category, which exceeds the current 41 per cent average at the Professional level across the United Nations as a whole. The gender parity rate when General Service staff are included in these figures is 60 per cent female. The Mechanism has also appointed a Gender and Sexual Harassment Focal Point.

64. The Tribunal's information technology services have devoted significant time and effort to developing proposals for information technology systems and infrastructure for the Mechanism. The Finance Sections of the two Tribunals have worked to identify practices and methods for Mechanism accounting and finance arrangements. The General Services Sections have identified appropriate office space for Mechanism staff and are providing travel, visa, mailing and transportation services.

65. The Tribunal continues to provide the Mechanism branch at The Hague with administrative support services at no cost. It is also continuing to provide that branch with required judicial support services at no cost, including staffing costs related to court management support, language services, detention services, and witness protection services.

66. The use of the existing staff and resources of the Tribunal will allow the Hague branch of the Mechanism to operate efficiently while minimizing staff funding requirements and general operating expenses.

X. Legacy and capacity-building

67. The Tribunal undertook modest events to mark the twentieth anniversary of its existence. In The Hague, His Majesty King Willem-Alexander of the Netherlands was the guest of honour at a ceremony featuring a keynote speech by the then Under-Secretary-General for Legal Affairs, Patricia O'Brien, and reflections by current and former Tribunal officials. The ceremony was attended by Tribunal officials and representatives of the diplomatic community in The Hague. The Tribunal is also holding a conference in Sarajevo late in November, to which representatives from across the former Yugoslavia are invited.

68. The Tribunal has been working with the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe to launch additional activities relevant to the Tribunal's legacy in the former Yugoslavia. These activities include skills training for judges, prosecutors and defence lawyers in various States of the former Yugoslavia. In addition, the Tribunal is participating in peer-to-peer meetings for judges and witness support services in the region.

69. The Tribunal continued working with local authorities and international partners on the establishment of information centres in the region of the former Yugoslavia. Croatian authorities have informed the Tribunal that an information centre could be hosted on the premises of the University of Zagreb should the decision be made to establish a centre in Croatia. The Mayor of Sarajevo has pledged space for an information centre in the renovated National Library in Sarajevo, an initiative which has the backing of Bosniak and Bosnian Croat members of the Presidency. In addition, the Bosnian Serb member of the Presidency supports the establishment of information centres in Sarajevo and Banja Luka. The Tribunal is awaiting further information from Banja Luka with regard to the premises and other resources that local authorities can pledge for the project.

70. There will be additional discussion about next steps at a working group held alongside the Tribunal's conference in Sarajevo late in November 2013. It is already clear, however, that provision of adequate financial support is crucial to the success

of the information centres; accordingly, the Tribunal asks the international community to support the project by allocating necessary funds.

XI. Conclusion

71. The judgements rendered in the reporting period brought the Tribunal closer to the completion of its mandate. While the forecast delivery dates of certain judgements have changed, the Tribunal continues to make every effort to avoid additional delays.

72. The Tribunal's near completion of its work, and the full accounting of all 161 individuals it indicted, are important symbols of the success of international justice efforts. While the Tribunal continues to face challenges, these should not obscure its fundamental successes, and its important contributions to developing precedents in international law, as well as its assistance to rule of law efforts in the former Yugoslavia.

73. The Tribunal's achievements are due not just to the hard work of judges and staff members, but also to the deep and broad support of the international community. The Tribunal benefits enormously from the assistance of the Security Council, the Office of Legal Affairs and other United Nations organs, national Governments, and assorted other supporters. As the Tribunal completes its final cases, it will continue to engage constructively with relevant stakeholders to ensure that its work is completed expeditiously.

Annex II

[Original: English and French]

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004)

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I. Overview

1. The Prosecutor submits this 20th completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments from 16 May to 15 November 2013. During this period, while contending with the problem of escalating staff attrition, the Office of the Prosecutor continued to focus on ensuring that the three final trials (*Karadžić*, *Mladić* and *Hadžić*) proceeded efficiently and expeditiously and that the Appeals Division effectively handled the increasing volume of appellate work. Since 1 July 2013, the Office of the Prosecutor has transferred some of its functions to the International Residual Mechanism for Criminal Tribunals. Finally, the Office of the Prosecutor continues to encourage a radical improvement in the processing of national war crimes cases by the authorities in the former Yugoslavia and is developing additional measures to build national capacity for war crimes cases within the confines of available resources.

2. In this reporting period, judgements were issued in two trials (*Prlić et al.* and *Stanišić and Simatović*) and one contempt appeal (*Šešelj*). In addition, the Appeals Chamber rendered its judgement on the prosecution's appeal concerning the acquittal on count 1 of the indictment in the *Karadžić* case. At the end of this reporting period, three cases remain in trial: *Karadžić*, in the final stages of the defence evidence presentation; *Hadžić*, awaiting the rule 98 bis hearing following the completion of the prosecution evidence presentation, and *Mladić*, in the final stages of the prosecution evidence presentation. *Šešelj* awaits judgement at the Trial Chamber level. In addition, seven cases are on appeal (*Šainović et al.*, *Popović et al.*, *Đorđević*, *Tolimir*, *Stanišić and Župljanin*, *Prlić et al.*, and *Stanišić and Simatović*).

3. The Prosecutor remains satisfied with the level of cooperation between the Office of the Prosecutor and the authorities in Bosnia and Herzegovina, Serbia and Croatia. While positive developments in regional cooperation were noted in the last reporting period through the conclusion of protocols on the exchange of evidence and information between the Bosnia and Herzegovina prosecutor's offices and their Serbian and Croatian counterparts, more remains to be done to operationalize these cooperative measures. The Prosecutor was informed that first steps in transferring material from Bosnia and Herzegovina to Serbia and vice versa have been taken. First cases based on this material are expected. The Prosecutor will follow developments closely.

4. The main area of concern with respect to the States of the former Yugoslavia remains the capacity of national institutions to conduct effective war crimes prosecutions, particularly in Bosnia and Herzegovina. In this reporting period, the Prosecutor expressed serious concern over the absence of sufficient progress in the category II cases transferred by the Office of the Prosecutor to Bosnia and Herzegovina. During subsequent in-depth consultations, the Prosecutor and Office staff worked with their Bosnia and Herzegovina counterparts to identify the source of delay in the cases and to find strategies for moving forward. The slow progress in the investigation and prosecution of other war crimes cases in Bosnia and Herzegovina is also a source of ongoing concern. Little progress has been made in the many cases transferred from the Bosnia and Herzegovina State Court to entity-level authorities and there is no prospect that the authorities of Bosnia and Herzegovina will meet the deadlines prescribed in the National War Crimes Strategy for the significant remaining backlog.

5. The Office of the Prosecutor continues its efforts to transfer expertise and information to national authorities in order to develop capacity-building measures and to advance the objectives of reconciliation and the rule of law in the former Yugoslavia. In this reporting period the Office distributed a training needs assessment for enhancing capacity for war crimes prosecutions in Bosnia and Herzegovina to the relevant authorities in Bosnia and Herzegovina and international partners. The Office has also provided direct training to national authorities in Bosnia and Herzegovina on accessing evidence from the Office's electronic disclosure system. Furthermore, the Office is continuing its work on documenting and recording its lessons learned and suggested practices concerning sexual violence prosecutions. It has also contributed to the legacy project on sexual violence crimes of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda.

6. Since the commencement of the Mechanism (The Hague branch) on 1 July 2013, the Office of the Prosecutor has assisted Mechanism officials and personnel in shifting functions and cases in accordance with the transitional arrangements prescribed by the Security Council.

II. Completion of trials and appeals

A. Overview of the ongoing challenges

7. As the end of its mandate approaches, the workload of the Office of the Prosecutor continues increasing exponentially. The three remaining trials have proceeded at an intense pace, so that in 2014 all three trials will be in the defence presentation of evidence phase; the *Karadžić* case presentation and arguments are likely to conclude by the summer of 2014. In addition to working on the remaining trials, the Office is working on different stages of numerous appeals, while also actively supporting and sharing resources with the Mechanism and engaging in legacy-related work in order to fulfil the capacity-building and reconciliation aspects of its mandate.

8. As staff attrition is increasing and workload pressures are intensifying, the framework of the Office of the Prosecutor is more complex than ever. The current demands of trial, appeal and related work, including support to the Mechanism, require various staff members to carry out multiple functions. Staff members of the Office of the Prosecutor are being placed under considerable and unreasonable strain.

9. No solutions have been found to reward or secure their continued loyalty to the Tribunal. As noted in the previous reporting period, some staff members have now spent the bulk of their careers serving the Tribunal. The Office of the Prosecutor appreciates the outstanding contributions of its staff, and in particular those who have shown long-term commitment to its mission at the considerable personal cost of forgoing more stable and enduring careers in other systems.

B. Update on the progress of trials

1. *Šešelj*

10. The trial proceedings in the *Šešelj* case were completed on 20 March 2012. The delivery of the judgement was scheduled for 30 October 2013, but the scheduling order was rescinded on 17 September 2013. The timing of the judgement delivery is currently unclear.

11. The scheduling order was rescinded after the disqualification of a judge on the Trial Chamber, based on comments made in private correspondence that was leaked and published by the media. A specially appointed bench found — by majority — that the judge's comments gave rise to an appearance of bias, warranting disqualification. The prosecution's reconsideration motion, arguing, among other things, that the bench misapplied the legal test for disqualification, committed errors of fact and had not considered a report submitted by the Presiding Judge of the *Šešelj* Trial Chamber on the issue was, again by majority, denied. Motions by the *Šešelj* Trial Chamber and the judge himself raising related issues were also denied.

12. On 31 October 2013, the Vice-President appointed a new judge to the *Šešelj* Trial Chamber. On 13 November, the newly constituted *Šešelj* Trial Chamber issued a decision inviting *Šešelj* and the prosecution to formulate their observations concerning the continuation of the proceedings in this case.

2. *Karadžić*

13. The defence evidence presentation continues in the *Karadžić* trial. As at 15 November, Karadžić had used approximately 255 hours of the 325 hours allocated to him to lead the evidence of approximately 183 witnesses in court. In that same period, the prosecution used approximately 307 hours for cross-examination and the Chamber used approximately 50 hours to question witnesses and for procedural and administrative matters. Karadžić continues to make extensive use of written evidence pursuant to rule 92 ter, and uses relatively little time for examination-in-chief. The prosecution uses proportionally more time to orally cross-examine defence witnesses on the written evidence, but continues to conduct its cross-examinations as efficiently as possible.

14. Until the beginning of August 2013, the trial proceedings in the defence phase of the evidence presentation were on schedule. However, on 2 August, the Trial Chamber ordered a suspension until 28 October 2013 (subsequently changed to 29 October) to allow Karadžić time to react to the reinstatement of count 1 of the indictment by the Appeals Chamber on 11 July 2013. By reinstating count 1, concerning genocide in municipalities in Bosnia and Herzegovina in 1992, the Appeals Chamber reversed the Trial Chamber's earlier acquittal of the count at the rule 98 bis phase of proceedings.

15. On 16 and 18 October 2013, Karadžić filed motions to recall defence witnesses, as well as a revised witness and exhibit list, respectively, requesting an additional 100 hours to call a total of 137 witnesses in relation to count 1 (of those witnesses 91 would be new and 46 had already testified but would provide additional testimony relating to count 1). On 29 October, the Trial Chamber rejected this request, noting that Karadžić has already called a large number of witnesses and evidence relevant to count 1. The Chamber allowed Karadžić an additional 25 hours

to present evidence on count 1. If the defence case continues at its present pace, the addition of 25 hours will extend the proceedings by approximately one month.

16. At the end of the defence case, the Office of the Prosecutor will determine whether to request a rebuttal case. As noted in the Prosecutor's previous report, the status of the adjudicated facts (upon which the Office of the Prosecutor relied to reduce the volume of evidence presented in its case and which Karadžić has challenged) will have an impact on the length of any rebuttal case. The prosecution estimates that the evidence and final submissions in the *Karadžić* case could be completed around the summer recess of 2014.

17. The trial team has suffered the recent departure of two long-serving members of the Srebrenica sub-team, as well as other staff members, increasing the already significant burden on the remaining team members. The trial team has received short-term reinforcement from Appeals Division staff members, but this provides only partial and temporary relief.

3. *Mladić*

18. The prosecution continues to present its case-in-chief in the *Mladić* trial. On 22 October 2013, the Appeals Chamber ordered the *Mladić* Trial Chamber to adopt a four-day sitting schedule for the remainder of the prosecution case in the light of Mladić's request based on health reasons. The prosecution expects to rest its case-in-chief towards the middle of December 2013.

19. As at 15 November 2013, the prosecution has used approximately 193 of its 200 hours allotted to lead the evidence of 159 witnesses in court. The evidence of 185 other witnesses has been tendered in written form. Mladić used approximately 387 hours for cross-examination and the Chamber used approximately 115 hours for questioning witnesses and procedural and administrative matters.

20. During this reporting period three members of the *Mladić* trial team accepted positions with other institutions. Additional staff will leave by the end of the year. Measures are currently being taken to ensure that staff attrition does not undermine the work of the team.

4. *Hadžić*

21. The *Hadžić* trial proceeded expeditiously in this reporting period. Excepting a small number of pending procedural issues, the prosecution concluded the presentation of its evidence on 17 October 2013, a year and a day since the trial's commencement. The prosecution used approximately 180 of the 185 hours available for its case-in-chief, during which it tendered some 3,025 exhibits and presented 126 witnesses, who appeared to give their evidence in person, or whose evidence was presented in written form.

22. From 23 to 27 September 2013, the Trial Chamber conducted a site visit to various locations in the region relevant to the *Hadžić* case.

23. On 10 October 2013, the prosecution filed a single bar table motion, requesting the admission of 218 documents and 18 video clips. The motion is currently under consideration.

24. The *Hadžić* defence notified the Trial Chamber that it would make an oral application for a judgement of acquittal pursuant to rule 98 bis, the date of which

has not yet been scheduled. The Trial Chamber has ordered that the defence will begin its case four months after the date of the Trial Chamber's decision on the rule 98 bis motion. It is therefore anticipated that the defence case will commence early in 2014.

C. Update on the progress of appeals

25. On 11 July 2013, an appeal judgement was issued in the prosecution appeal from the rule 98 bis acquittal of Radovan Karadžić on count 1 of the indictment concerning genocide in municipalities in Bosnia and Herzegovina in 1992. An appeal hearing will also be held in the *Popović et al.* case from 2 to 13 December 2013. Pursuant to scheduling orders issued on 15 November 2013, the *Šainović et al.* Appeals Chamber will pronounce its judgement on 23 January 2014, and the *Dorđević* Appeals Chamber will pronounce its judgement on 27 January 2014.

26. In this reporting period, appeal briefings were completed for two cases: *Tolimir* on 2 November 2013; and *Stanišić and Župljanin* on 11 November. In addition, the appeals briefings in *Stanišić and Simatović* (trial judgement issued on 30 May 2013) will conclude on 25 November. Further, the appeals process in the multi-accused *Prlić et al.* case commenced on 28 June 2013 with the filing of notices of appeal by the prosecution, Praljak and Pušić. This process has been suspended and will continue for all parties once the 2,700-page judgement issued in French on 29 May 2013 has been translated into English.

27. The Appeals Division continues to assist trial teams with briefing major legal issues, drafting final trial briefs, opening and closing submissions, motions, responses and other trial-related matters including time-sensitive issues such as urgent motion responses and disclosure. The Appeals Division also continues to manage several essential trial-related functions, including digesting and communicating substantive and procedural decisions of interest to the trial teams, assisting with management of the internship programme of the Office of the Prosecutor and managing the periodic meetings of legal advisers.

D. Contempt cases

28. On 30 May 2013, the Appeals Chamber upheld Šešelj's third conviction for contempt. The Appeals Chamber dismissed Šešelj's appeal in its entirety and affirmed his sentence of a single term of two years of imprisonment.

E. Access orders

29. Significant resources of the Office of the Prosecutor continue to be dedicated to ensuring compliance with trial and appeal decisions granting accused persons access to confidential material in related cases. Since the last report, eight access decisions and orders have been issued, disposing of nine motions. The Office has filed 34 notices of compliance in 10 ongoing and completed cases. The Office has also completed the review work required by 22 existing decisions in seven cases, while ongoing work pursuant to 17 existing decisions is required in four cases (*Karadžić, Mladić, Popović* and *Stanišić and Simatović*).

30. A large volume of access-related review work continues to be required in relation to the *Karadžić* and *Mladić* trials. Nine accused in five cases have been granted ongoing access to confidential material in the *Karadžić* case; while four accused in three cases have been granted ongoing access in the *Mladić* case. In addition, one accused has been granted ongoing access in the *Popović* appeal, and remaining reviews concerning access by three accused from two cases to confidential materials in the *Stanišić and Simatović* case are currently being completed by the Office of the Prosecutor. The parameters of access granted in each of these decisions differ, requiring separate and careful review of each confidential transcript, filing and decision. These decisions will require ongoing review and the filing of periodic notices for the duration of the trials.

III. State cooperation with the Office of the Prosecutor

31. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 29 of the Statute of the Tribunal.

Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

32. During the reporting period, the Office of the Prosecutor sought cooperation from States of the former Yugoslavia, in particular Serbia, Croatia and Bosnia and Herzegovina. Their cooperation remained satisfactory. This was highlighted in the Prosecutor's meetings with officials in Belgrade from 4 to 6 November 2013 and in Sarajevo from 7 to 9 October 2013. The Office maintained a direct dialogue with Government and other authorities of Serbia, Croatia and Bosnia and Herzegovina, including officials in national prosecution offices. Field offices in Sarajevo and Belgrade continued to facilitate the work of the Office of the Prosecutor in Bosnia and Herzegovina and Serbia respectively.

1. Cooperation between Serbia and the Office of the Prosecutor

33. Serbia continues to play an important role in ensuring the successful completion of the last three trials in progress. Representatives of the Government of Serbia have delivered on their previous assurances to continue cooperating with the Office of the Prosecutor.

(a) Assistance with trials and appeals

34. Access by the Office of the Prosecutor to documents and archives in Serbia remains important for ongoing trial and appeal proceedings. Serbia has shown continued diligence in processing the Office's requests for assistance. In the current reporting period, the Office sent 10 requests for assistance to Serbia, of which two are outstanding, but not overdue. The National Council for Cooperation, the central authority in charge of facilitating answers to requests for assistance, continues to play a valuable role in coordinating the work of the government bodies that handle these requests.

35. During this reporting period, the Serbian authorities adequately facilitated the access of the Office of the Prosecutor to witnesses, including their appearance before the Tribunal. Summonses were served on time, court orders were executed and witness interviews were arranged. The relevant legal and law enforcement bodies, including the Office of the War Crimes Prosecutor, provided valuable assistance to the Office of the Prosecutor.

36. The Office will continue to seek Serbia's cooperation and support for its ongoing casework and trusts that the Serbian authorities will maintain their prompt and efficient approach to requests for assistance, notwithstanding the rapid pace of the trials.

(b) Investigation into fugitive networks

37. Following the arrests of the last fugitives (Mladić and Hadžić), Serbia committed itself to investigating and prosecuting individuals who had assisted fugitives from the Tribunal to remain at large. It also committed itself to providing comprehensive information to explain how some fugitives had managed to evade justice for such a long period of time. Although Serbia's work on the fugitive networks is ongoing, the Office of the Prosecutor notes that the investigations and resulting prosecutions are proceeding slowly.

2. Cooperation between Croatia and the Office of the Prosecutor

38. The Office of the Prosecutor continues to rely on Croatia's cooperation to efficiently complete trials and appeals. In the current reporting period, the Office sent seven requests for assistance to Croatia, all of which have been answered. Croatia has also provided access to witnesses and evidence as required. Throughout the *Hadžić* trial, local Croatian authorities facilitated a number of video-conference links enabling witnesses who were too elderly or ill to travel to the Tribunal to give their evidence. In September 2013 Croatia facilitated the site visit of the *Hadžić* Trial Chamber to certain locations in eastern Croatia referred to in the *Hadžić* indictment. The Office of the Prosecutor will continue to rely on Croatia's cooperation in the future.

3. Cooperation between Bosnia and Herzegovina and the Office of the Prosecutor

(a) Assistance with trials and appeals

39. During the reporting period, the Office of the Prosecutor sent five requests for assistance to authorities in Bosnia and Herzegovina relating to ongoing trials and appeals. Of these, two are outstanding without being overdue. The authorities of Bosnia and Herzegovina, at both the State and entity levels, responded promptly and adequately to most of the Office's requests for documents and access to government archives. The authorities also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal. The Office will continue to rely on similar assistance from Bosnia and Herzegovina in the future.

(b) Follow-up on investigation files transferred by the Office of the Prosecutor to Bosnia and Herzegovina (category II cases)

40. The Prosecutor remains concerned about the slow pace of the investigation and the prosecution of category II cases, which the Office of the Prosecutor transferred to the Bosnia and Herzegovina authorities between June 2005 and December 2009. Since the last reporting period, there has been little progress, and it remains the case that only 4 of 13 cases have been completed.

41. During his visit to Sarajevo in October 2013, the Prosecutor met with the Chief Prosecutor of Bosnia and Herzegovina and his team to discuss the lack of sufficient progress on the category II cases. The Chief Prosecutor undertook to finalize the investigations and make a decision on the status of each of the cases (that is, whether to indict or close/complete an investigation) by the end of the year. The Office of the Prosecutor will monitor the situation closely and provide support to the Prosecutor's Office of Bosnia and Herzegovina in this regard. Although the Prosecutor understands the difficulties confronting the State Prosecutor's Office, it is highly problematic that cases are still under investigation some five years after the last investigative material was transferred to Bosnia and Herzegovina.

4. Cooperation between other States and organizations and the Office of the Prosecutor

42. Cooperation and support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of cases before the Tribunal. Assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. Assistance is also increasingly needed to assist with the prosecution of war crimes cases in the former Yugoslavia.

43. The Office of the Prosecutor acknowledges the support it received during the reporting period from United Nations Member States and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe.

44. The international community also plays an important role in providing incentives for States of the former Yugoslavia to cooperate with the Tribunal. The European Union's policy of conditionality, linking membership progress to full cooperation with the Tribunal, continues to be an effective tool for ensuring continued cooperation with the Tribunal and consolidating the rule of law in the former Yugoslavia.

IV. Transition from the Tribunal to national war crimes prosecutions

45. As the Tribunal nears the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia. The Office is strengthening its role in building the capacity of its national counterparts to carry on the accountability process started by the Tribunal. The effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental for the truth-seeking and reconciliation process.

Accountability for those crimes depends as much on the success of national prosecutions as it does on the effective completion of the last cases by the Tribunal and the Mechanism.

46. While progress has been made in war crimes prosecutions in the countries of the former Yugoslavia, significant difficulties remain, particularly in Bosnia and Herzegovina.

A. Challenges in establishing accountability for war crimes in Bosnia and Herzegovina

47. During this reporting period, the implementation of the National War Crimes Strategy in Bosnia and Herzegovina was limited. Some progress in tackling the backlog of cases at State level was made, mainly through the referral of cases from the State level to entity jurisdictions, or to Serbia and Croatia pursuant to the recently concluded protocols between Bosnia and Herzegovina and those two countries on cooperation in war crimes prosecution. However, the deadlines set for the National War Crimes Strategy will not be met.

48. The referral of cases to entity jurisdictions has decreased the considerable backlog of cases at the Prosecutor's Office of Bosnia and Herzegovina. However, much more must be done to ensure that the cases are properly dealt with and to demonstrate that the referral process was not a paper exercise. Information provided to the Prosecutor during his last visit to Sarajevo suggests that some cases referred to lower-level jurisdictions are now being referred back to the State level. The Prosecutor expressed concern that, since the transfer of cases from the State Court to the entity level, the Office of the Prosecutor has not received any requests for assistance from the entity-level authorities. Such requests would have been expected as a normal procedure for cases under active review. Overall, it appears that limited progress has been made by entity-level jurisdictions, and that a considerable backlog remains.

49. The National War Crimes Strategy will only be effective at the entity level if the responsible authorities make available adequate resources, staffing and facilities. Without the parallel provision of sufficient resources, the transfer of cases from the State level will be an empty exercise. More attention should be given to ensuring that the receiving entity courts and prosecutor's offices are adequately equipped to deal with their increased caseloads.

50. A crucial step towards making the entity level effective is for Bosnia and Herzegovina to adopt a uniform and comprehensive war crimes training curriculum. A training programme must be devised by central bodies authorized to carry out the training on a national basis. Further funding from international partners should be conditioned on the completion of the comprehensive, centralized training. This recommendation was made in the report of the Office of the Prosecutor's expert on training needs for the investigation and trial of war crimes in Bosnia and Herzegovina circulated to the international community and relevant authorities of Bosnia and Herzegovina during the reporting period (see paras. 67-68 below). That report sets out important information to inform future action.

B. Investigating and identifying missing persons

51. Another significant challenge is the issue of missing persons. Action is needed to accelerate the search for and exhumation of mass graves and the subsequent identification of the remains found. The resolution of this issue is fundamental to reconciliation in the former Yugoslavia. All victims need to be identified and deserve a dignified burial. Authorities in the region should place heightened focus on investigating and identifying missing persons. In this regard, the Prosecutor expresses his appreciation of, and full support for, the work of the International Commission on Missing Persons in the former Yugoslavia. Their work has been instrumental in establishing accountability for the mass atrocities committed during the conflict and has greatly contributed to reconciliation in the region.

52. Since September, the Commission, together with national authorities, has been exhuming the recently discovered Tomašica mass grave, one of the largest mass graves in north-western Bosnia and Herzegovina. The remains of 474 bodies have been exhumed and the number is expected to rise as the exhumation continues. The mass grave is located in the Prijedor Municipality, which is a part of the indictments against Radovan Karadžić and Ratko Mladić. This recent discovery is potentially important new evidence for both cases. Again, for both the victims of the crimes, and their families, identification and proper burial is of utmost importance.

C. Cooperation between States of the former Yugoslavia on war crimes investigations and prosecutions

53. The Office of the Prosecutor continues to promote improved regional cooperation in war crimes matters as an essential tool for combating impunity in the former Yugoslavia. The Prosecutor is pleased to note the protocol of 3 June 2013 on cooperation in prosecution of perpetrators of war crimes, crimes against humanity and genocide between the Prosecutor's Offices of Bosnia and Herzegovina and Croatia. This development consolidates progress made in December 2012 with the conclusion of the protocol between the Prosecutor's Offices of Bosnia and Herzegovina and Serbia on cooperation in war crimes cases and is further evidence of strengthening cooperation in the region. During his meetings with the representatives of the relevant offices, the Prosecutor was informed that there have been regular meetings between the offices and that the materials regarding a number of cases have been exchanged. Notably, a majority of victims' associations in Bosnia and Herzegovina support this process. Their support is vital for the war crimes cases because of the importance of victims' testimonies. Whether this initiative will be translated into concrete cases remains to be seen and the process must be carefully scrutinized.

54. Challenges will remain at the judicial level unless reforms are made. Judicial institutions in the former Yugoslavia continue to face serious challenges in coordinating their activities, including legal barriers to the extradition of suspects, which obstruct effective investigation and prosecution. War crimes prosecutions remain a sensitive issue in all countries of the former Yugoslavia and this will continue to burden relationships between the countries. While regional prosecutors express a commitment to improving inter-State cooperation, urgent action is needed at the political and operational level to generate fundamental change.

55. The Prosecutor reiterates his concern about the adoption of a law by the former Government of Croatia which annuls all indictments issued by the Serbian authorities against citizens of Croatia. If upheld by the Croatian Constitutional Court, this legislative initiative will undermine regional cooperation on war crimes matters.

D. Support of the Office of the Prosecutor for national war crimes prosecutions

56. The Office of the Prosecutor continues to intensify its efforts to assist countries in the former Yugoslavia to more successfully handle their remaining war crimes cases. The Transition Team under the Prosecutor's direction is leading the work of the Office to facilitate domestic war crimes cases through transfer of information and expertise.

1. Access to information in databases of the Office of the Prosecutor and in case records

57. During this reporting period, the Office of the Prosecutor continued to provide information to assist national jurisdictions in prosecuting crimes arising out of the conflict in the former Yugoslavia. In addition, as from 1 July 2013, The Hague branch of the Mechanism assumed responsibility for requests for assistance regarding completed cases. Tribunal personnel continued to provide assistance to the Mechanism staff members (double-hatting) in dealing with the requests for assistance.

58. Regarding the requests for assistance dealt with by the Office of the Prosecutor, from 16 May to 30 June 2013 the Office received 25 new incoming requests for assistance. Of the new requests, 21 were submitted by national judicial authorities in the former Yugoslavia. The majority (9) of the requests came from Bosnia and Herzegovina, six from Croatia and six from Serbia. Some of the requests were extensive and hundreds of pages of material were disclosed in response. Liaison prosecutors from the former Yugoslavia who are working with the Office of the Prosecutor played a key role in facilitating responses to those requests. The number of requests from prosecutor's offices and law enforcement agencies in other States was four.

59. During the same period, the Office of the Prosecutor responded to a total of 15 requests for assistance. Twelve of those responses concerned requests from the judicial authorities in the former Yugoslavia. All nine requests from Bosnia and Herzegovina were responded to. In addition two responses were sent to Croatia and one to Serbia. Three responses were sent to the judicial authorities and law enforcement agencies in other States.

60. In the period until 30 June 2013, the Office of the Prosecutor responded to two rule 75(H) applications from judicial authorities in the region and also filed one rule 75(G) application. As from 1 July 2013, the Mechanism assumed responsibility for litigation concerning access to confidential materials from cases under rule 75(G) and (H).

61. As in the previous period, only the State-level authorities in Bosnia and Herzegovina requested assistance from the Office of the Prosecutor. As noted above,

no request for information has come from entity-level authorities to date, notwithstanding their increasing responsibility for prosecuting war crimes cases. To promote more effective access to Tribunal materials, including the Office's evidentiary databases, the Office of the Prosecutor held a seminar in Sarajevo in June 2013 to provide practical advice and guidance for entity-level judicial authorities. An in-depth and hands-on follow-up training session on accessing the Office database of more than 9 million pages of documents was held in November in Banja Luka and Sarajevo. More than 30 judicial officials from entity/district-level judicial institutions participated in this training. The Office is grateful for the financial support of the European Union and OSCE for these training sessions.

2. Expertise transfers

62. The joint European Union/Tribunal training project for national prosecutors and young professionals from the former Yugoslavia is in its fifth year of operation and continues to form a central component of the strategy of the Office of the Prosecutor to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases. Three liaison prosecutors from the region (one from Bosnia and Herzegovina, one from Croatia and one from Serbia) working with the Office in The Hague have access to designated databases of the Office, as well as instruction on the search methodologies used within the Office. They can consult with in-house experts on relevant issues and they serve as contact points for other regional prosecutors. Their presence within the Office of the Prosecutor greatly facilitates contacts between Tribunal teams and local prosecutor's offices in Bosnia and Herzegovina, Croatia and Serbia. These liaison prosecutors are familiar with procedures on both sides and with ongoing (local) investigations. As Tribunal and local prosecutor's offices frequently investigate overlapping areas and crimes (albeit with respect to a different level of criminal responsibility), numerous witnesses and documents are relevant for investigations at both levels. The exchange of information is vital to all cases.

63. Another part of the project involves bringing young legal professionals from the former Yugoslavia with a commitment to war crimes cases to work as interns with the Office of the Prosecutor in The Hague. In September 2013, a new group of 10 young legal professionals from Bosnia and Herzegovina, Croatia and Serbia commenced their six-month placements. During their time in The Hague, they are also invited to attend lectures and presentations on topics related to the work of the Office and the Tribunal more generally. By investing in the education and training of these young legal professionals, the Office hopes to transfer expertise which can build capacity in domestic institutions to progress their war crimes cases.

64. The quality of work, professionalism and dedication of legal professionals from the region working with staff members of the Office of the Prosecutor in The Hague remains high. The participants in the project display a capacity to learn rapidly and to make the most of the opportunities provided to them at the Office. The feedback given by all associated with the project confirms its value in building the future capacity of the countries of the former Yugoslavia to effectively deal with complex war crimes cases. Further reflecting the value of the project, the European Union extended funding for the project until the end of 2014. The Office of the Prosecutor remains grateful to the European Union for its continued support.

65. Building on the success of existing programmes, the Office has identified other avenues for transferring its expertise to regional authorities. As mentioned in the Prosecutor's last reports, the Office is working on a paper to record its best practices and lessons learned for the prosecution of sexual violence crimes. The paper will also be crafted with a capacity-building focus in mind. In this reporting period, facilitated by funding from UN-Women, the Office of the Prosecutor completed the first phase of this project. Following in-depth consultations with current and former Tribunal staff members who have worked on sexual violence prosecutions, the Office is compiling documentation generated over the past 20 years that will guide the content of the manual and form an integral part of its archive and knowledge transfer. The collection and integration of such documentation will assist in creating a practical resource specifically reflecting the Tribunal's experience, while maintaining a capacity-building focus. Additionally, the Office of the Prosecutor has contributed to the legacy project on sexual violence crimes of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda.

3. Regional training needs assessment

66. The involvement of staff members of the Office of the Prosecutor in regional training initiatives continues to be an increasingly important vehicle for transferring the Office's expertise to prosecutors and others working on war crimes cases at the national level in the former Yugoslavia. With highly relevant experience and knowledge developed over the past two decades, the Office of the Prosecutor is uniquely placed to provide training to its regional counterparts. In this reporting period, the Office has further intensified its efforts to ensure that a coordinated and effective regional training programme is developed, which makes the best possible use of the Office's in-house expertise and lessons learned.

67. In particular, since the last reporting period, the Office has, with the assistance of a senior expert and in consultation with its primary international partners (including OSCE, the European Union and the United Nations Development Programme), finalized its report assessing the training needs of personnel in Bosnia and Herzegovina working on war crimes cases. The Bosnian/Croatian/Serbian translation of that report has been disseminated to relevant authorities in Bosnia and Herzegovina.

68. The report proposes a coordinated and effective strategy for improving national war crimes proceedings through the creation of a structured and comprehensive training programme with built-in follow-up mechanisms to ensure lasting impact. The programme would be mandatory for prosecutors, judges and defence counsel and would be organized via national training bodies in coordination with international agencies. Areas of training would include evidentiary requirements for proving a war crime; organizing an investigation; crimes involving sexual violence; disclosure obligations; the acquisition and use of Tribunal evidence; witness interviewing techniques, including with respect to vulnerable witnesses; witness protection; closing of investigations; legal drafting; trial procedures and advocacy; effective use of information technology, and other highly relevant topics.

4. Other means of capacity-building

69. The European Union continued its efforts to support the implementation of the Bosnia and Herzegovina National War Crimes Strategy as part of the Structured Dialogue on Justice which is taking place in the framework of the Stabilization and Association Agreement for European enlargement. Representatives of the Tribunal participated in the meetings of the consultative group convened by the European Union offices in Brussels. The Prosecutor hopes that, through the Structured Dialogue and other mechanisms aimed at building capacity, greater progress in implementing the Bosnia and Herzegovina National War Crimes Strategy will be observed in the coming months.

V. Downsizing

A. Downsizing of posts in the Office of the Prosecutor and support to staff for career transition

70. The Office of the Prosecutor currently has a total of 170 staff members. In the next reporting period, 89 posts will be downsized. As the size of the staff body decreases, the Office is reorganizing its office space to facilitate the eventual consolidation of all Tribunal operations within one building.

71. The Office continues to actively support measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. Many staff members have become highly specialized in international criminal investigations and prosecutions but are faced with limited opportunities to continue working in this field. The international community has an interest in ensuring that the expertise collected within the Office of the Prosecutor is not lost to future peace, justice, accountability and rule-of-law endeavours upon closure of the Tribunal. In this reporting period, the Office supported training for its staff members to enable them to become registered members of the Justice Rapid Response roster of personnel available for deployment for investigation commissions. The Office also supported the Tribunal's ongoing initiatives to assist staff, such as career counselling, the work of the newly established Career Transition Office and other training opportunities, and welcomes efforts to expand the array of initiatives open to staff members.

72. The Office of the Prosecutor recognizes that support mechanisms for its staff members are particularly important in this final phase when staff members are under intense pressure to carry heavier workloads to complete the Tribunal's mandate and, at the same time, prepare to transition to their uncertain working lives beyond the Tribunal. Given that many staff members have been exposed to high levels of trauma through their work relating to the investigations and prosecution of atrocities committed in the former Yugoslavia, the Office is taking steps to ensure that appropriate support is made available for them to deal with secondary trauma.

B. Supporting and sharing resources with the Mechanism (The Hague branch)

73. The Hague branch of the Mechanism became operational on 1 July 2013. The Office of the Prosecutor of the Tribunal and the Office of the Prosecutor of the

Mechanism will coexist from 1 July 2013 to 31 December 2014. During this period, the Tribunal Office will continue to provide support and share resources with the Mechanism Office, especially in providing assistance to national authorities, including incoming requests for assistance unrelated to ongoing trials, and witness protection issues, such as the procedure regarding the variation of protective measures pursuant to rules 75(G) and (H).

VI. Conclusion

74. In this reporting period, the Office of the Prosecutor remained firmly focused on its present challenge: to ensure that the Tribunal will maintain the highest standards of international justice, while successfully completing its mandate.

75. Effective and efficient national war crimes prosecutions are fundamental for the truth-seeking and reconciliation process in the region of the former Yugoslavia, and will be a critical component of the Tribunal's legacy. Significant difficulties remain with respect to regional prosecutions, particularly in Bosnia and Herzegovina. To ensure that the Tribunal maximizes its contribution to peace, justice and reconciliation in the region, the Office of the Prosecutor will continue to encourage a radical improvement in the processing of national war crimes cases by the authorities in the former Yugoslavia. In addition, it will continue to develop additional measures to build national capacity for war crimes cases.

76. The Office of the Prosecutor also hopes to see continued improvement in regional cooperation on war crimes matters.

77. The next reporting period will see additional progress towards the completion of the Tribunal's remaining trials and an even greater appellate case load. At the same time a significant number of posts in the Office of the Prosecutor will be downsized. To ensure the successful completion of its mandate, the Office will continue to allocate resources flexibly to effectively manage work on both trials and appeals. It will also continue to support and share resources with the Office of the Prosecutor of the Mechanism (The Hague branch) in order to ensure a successful transition of its functions.

Enclosures

[Original: English and French]

Enclosure I

A. Trial judgements, 16 May to 15 November 2013 (by individual)

<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial judgement</i>
Franko Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	2 June 2003	30 May 2013 Acquitted
Jovica Stanišić	Head, State Security Services, Republic of Serbia	12 June 2003	30 May 2013 Acquitted
Jadranko Prlić	President, Croatian Republic of Herceg-Bosna	6 April 2004	29 May 2013 Sentenced to 25 years of imprisonment
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna	6 April 2004	29 May 2013 Sentenced to 20 years of imprisonment
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council	6 April 2004	29 May 2013 Sentenced to 20 years of imprisonment
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council	6 April 2004	29 May 2013 Sentenced to 16 years of imprisonment
Berislav Pušić	Military Police Commanding Officer, Croatian Defence Council	6 April 2004	29 May 2013 Sentenced to 10 years of imprisonment
Slobodan Praljak	Assistant Minister of Defence, Croatian Republic of Herceg-Bosna	6 April 2004	29 May 2013 Sentenced to 20 years of imprisonment

B. Appeal judgements, 16 May to 15 November 2013 (by individual)

<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Appeal judgement</i>
Radovan Karadžić	President, Republika Srpska	31 July 2008	11 July 2013 (Rule 98 bis appeal judgement)

Enclosure II

A. Persons on trial as at 16 May 2013

<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Start of trial</i>
Vojislav Šešelj	President, Serbian Radical Party	26 February 2003	Trial commenced on 7 November 2007
Radovan Karadžić	President, Republika Srpska	31 July 2008	Trial commenced on 26 October 2009
Ratko Mladić	Commander of the Main Staff of the Bosnian Serb Army	3 June 2011	Trial commenced on 16 May 2012
Goran Hadžić	President, Serbian Autonomous District Slavonia, Baranja and Western Srem	25 July 2011	Trial commenced on 16 October 2012

B. Persons on appeal as at 16 May 2013

<i>Name</i>	<i>Former title</i>	<i>Date of trial judgement</i>
Vlastimir Đorđević	Assistant Minister of the Serbian Ministry of Internal Affairs and Chief of the Public Security Department of the Ministry of Internal Affairs	23 February 2011
Vujadin Popović	Lieutenant Colonel and Chief of Security of the Drina Corps of the Bosnian Serb Army	10 June 2010
Ljubiša Beara	Colonel and Chief of Security of the Bosnian Serb Army Main Staff	10 June 2010
Drago Nikolić	Second Lieutenant who served as Chief of Security for the Zvornik Brigade of Bosnian Serb Army	10 June 2010
Radivoje Miletić	Chief of Operations and Training Administration of the Bosnian Serb Army Main Staff	10 June 2010
Vinko Pandurević	Lieutenant Colonel and Commander of the Zvornik Brigade of the Drina Corps of the Bosnian Serb Army	10 June 2010
Nikola Šainović	Deputy Prime Minister of the Federal Republic of Yugoslavia	26 February 2009
Nebojša Pavković	Commander of the Third Army of the Yugoslav Army and Chief of the General Staff of the Yugoslav Army	26 February 2009

<i>Name</i>	<i>Former title</i>	<i>Date of trial judgement</i>
Vladimir Lazarević	Chief of the Staff/Commander of the Priština Corps of the Yugoslav Army; Chief of the Staff/Commander of the Third Army of the Yugoslav Army	26 February 2009
Sreten Lukić	Head of the Serbian Ministry of Internal Affairs Staff for Kosovo and Metohija	26 February 2009
Miće Stanišić	Minister, Internal Affairs, Republika Srpska	27 March 2013
Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre, Banja Luka	27 March 2013
Zdravko Tolimir	Assistant Commander for Intelligence and Security, Main Staff, Bosnian Serb Army	12 December 2012
Jadranko Prlić*	President, Croatian Republic of Herceg-Bosna	29 May 2013
Bruno Stojić*	Head of Department of Defence, Croatian Republic of Herceg-Bosna	29 May 2013
Milivoj Petković*	Deputy Overall Commander, Croatian Defence Council	29 May 2013
Valentin Ćorić*	Chief of Military Police Administration, Croatian Defence Council	29 May 2013
Berislav Pušić	Military Police Commanding Officer, Croatian Defence Council	29 May 2013
Slobodan Praljak	Assistant Minister of Defence, Croatian Republic of Herceg-Bosna	29 May 2013
Franko Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	30 May 2013
Jovica Stanišić	Head, State Security Services, Republic of Serbia	30 May 2013

* This individual has filed a request for an extension of time to file the notice of appeal.

C. Trial judgements for contempt, 16 May to 15 November 2013 (by individual)

<i>Name</i>	<i>Former title</i>	<i>Date of (order in lieu of) indictment</i>	<i>Trial judgement</i>
Radislav Krstić	Commander of the Drina Corps of the Bosnian Serb Army	27 March 2013	18 July 2013 Not guilty of contempt

**D. Appeal judgements for contempt, 16 May to 15 November 2013
(by individual)**

<i>Name</i>	<i>Former title</i>	<i>Date of trial contempt judgement</i>	<i>Appeal judgement</i>
Vojislav Šešelj	President, Serbian Radical Party	28 June 2012	30 May 2013 Sentenced to 2 years of imprisonment

Enclosure III**Proceedings completed in the period 16 May to 15 November 2013**

A. Trial judgements rendered in the period 16 May to 15 November 2013

1. Prlić et al. IT-04-74-T (29 May)
2. Stanišić and Simatović IT-03-69-T (30 May)

B. Contempt judgements rendered in the period 16 May to 15 November 2013

Krstić IT-95-5/18-R77.3 (18 July)

C. Appeals from judgement rendered in the period 16 May to 15 November 2013

Karadžić IT-95-5/18-Ar98bis.1 (11 July)

D. Appeals from contempt rendered in the period 16 May to 15 November 2013

Šešelj IT-03-67-R77.4-A (30 May)

E. Final interlocutory decisions rendered in the period 16 May to 15 November 2013

1. Karadžić IT-95-5/18-Ar98bis.1 (12 September)
2. Karadžić IT-95-5/18-Ar73.12 (20 September)
3. Mladić IT-09-92-Ar73.3 (22 October)
4. Mladić IT-09-92-Ar73.1 (12 November)
5. Karadžić IT-95/5-18-Ar73.11 (13 November)

F. Review, referral and other appeal decisions rendered in the period 16 May to 15 November 2013

Lukić and Lukić IT-98-32/1-A (30 August)

Enclosure IV

Proceedings ongoing as at 15 November 2013

A. Trial judgements pending as at 15 November 2013

1. Šešelj IT-03-67-T
2. Karadžić IT-95-5/18-T
3. Mladić IT-09-92-T
4. Hadžić IT-04-75-T

B. Contempt judgement pending as at 15 November 2013

None.

C. Appeals from judgement pending as at 15 November 2013

1. Sainović et al. IT-05-87-A
2. Popović et al. IT-05-88-A
3. Đorđević IT-05-87/1-A
4. Tolimir IT-05-88/2-A
5. Stanišić and Župljanin IT-08-91-A
6. Prlić et al. IT-04-74-A
7. Stanišić and Simatović IT-03-69-A

D. Appeals from contempt pending as at 15 November 2013

None.

E. Interlocutory decisions pending as at 15 November 2013

Mladić IT-09-92-Ar73.2

F. Review, referral and other appeal decisions pending as at 15 November 2013

Delić IT-04-83-R.1

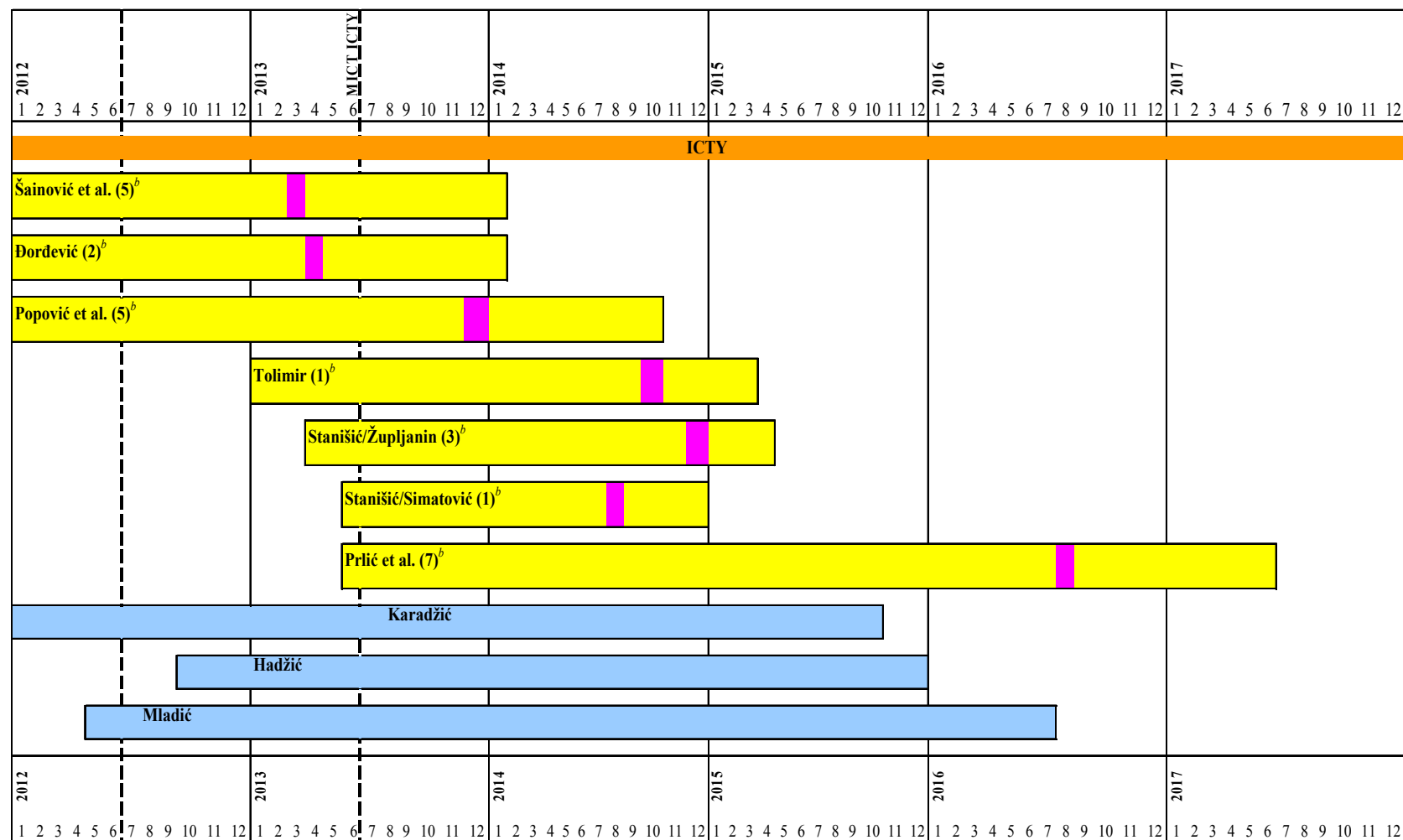
Enclosure V

Decisions and orders rendered during the period 16 May to 15 November 2013

1. Total number of decisions and orders rendered before the Trial Chambers:
153 (as at 30 October)
 2. Total number of decisions and orders rendered before the Appeal Chambers:
44 (as at 30 October)
 3. Total number of decisions and orders rendered by the President of the ICTY:
25 (as at 30 October)
-

Enclosure VI

Trial and appeal schedule of the Tribunal^a



Abbreviations: MICT, International Residual Mechanism for Criminal Tribunals; ICTY, International Tribunal for the Former Yugoslavia.

Note: A forecast for the *Šešelj* trial judgement's delivery is not currently available.

^a Contempt matters are not included.

^b Number of accused/appellants, including the prosecution.

