

Annotated Leading Cases of International Criminal Tribunals

The International Criminal Tribunal for the former Yugoslavia 2013-2014

André Klip and Steven Freeland (eds.) Victoria Häberle (assistant editor)



CONTENTS

Contents	5
Preface	7
Decisions regarding Sentence / Release	
Public Redacted Version of the 28 June 2012 Decision of the President on Early Release of Haradin Bala, <i>Prosecutor v. Bala</i> , Case No. IT-03-66-ES, before the President, 9 January 2013	9
Decision of the President on Sentence Remission of Goran Jelisić, <i>Prosecutor v. Jelisić</i> , Case No. IT-95-10-ES, before the President, 28 May 2013	23
Commentary Barbora Hola	33
Decisions regarding Evidence / Procedure	
Decision on Prosecution Omnibus Motion for Admission of Evidence Pursuant to Rule 92 bis and Prosecution Motion to Admit GH-139's Evidence Pursuant to Rule 92 bis, Prosecutor v. Hadžić, Case No. IT-04-75-T, T. Ch. II, 24 January 2013	43
Decision on Stojan Župljanin's Request to Amend Notice of Appeal, <i>Prosecutor v. Stanišić and Župljanin</i> , Case No. I'I-08-91-A, A. Ch., 8 October 2013	73
Decision on Ratko Mladic's Appeal Against the Trial Chamber's Decisions on the Prosecution Motion for Judicial Notice of Adjudicated Facts, <i>Prosecutor v. Mladic</i> , Case No. IT-09-92-AR73.1, A. Ch., 12 November 2013	81
Partial Dissenting Opinion of Judge Robinson	123
Decision on Appeal Against the Decision on the Accused's Motion to Subpoena Zdravko Tolimir, Prosecutor v. Karadžić, Case No. IT-95-5/18-AR73.11, A. Ch., 13 November 2013	127
Separate Opinion of Judge Tuzmukhamedov	147
Commentary Tommaso Rafaraci	149
Decisions Relating to the Suitability of Judges	
Decision on Defence Motion for Disqualification of Judge Frederik Harhoff and Report to the Vice-President, <i>Prosecutor v. Šešelj</i> , Case No. 1T-03-67-T, Ch. convened by the Order of the Vice-	
President, 28 August 2013	159
Dissenting Opinion of Judge Liu	165
Decision on Prosecution Motion for Reconsideration of Decision on Disqualification, Requests for Clarification, and Motion on behalf of Stanisic and Zupljanin, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, Ch. convened by the Order of Vice-President, 7 October 2013	169
Separate Opinion of Judge Moloto	178
Dissenting Opinion of Judge Liu	180
Decision on Motion Requesting Recusal, <i>Prosecutor v. Stanišić and Župljanin</i> , Case No. IT-08–91-A, before the President, 3 December 2013	183
Commentary Michael Karnavas	191

Conduct of Counsel	
Decision on Appeals to the Disciplinary Board, In the Matter of Mr. Toma Fila, Case No. IT-13-93-Misc.1, before the Disciplinary Board, 8 July 2013	205
Partially Dissenting Opinion of Rohan	239
Partially Dissenting Opinion of Khan QC.	252
Commentary Felicity Gerry	261
Contempt	
Public Redacted Version of "Judgement" Issued on 30 May 2013, Contempt Proceedings against Vojislav Šešelj, Case No. IT-03-67-R77.4-A, A. Ch., 30 May 2013	267
Separate and Partially Dissenting Opinion of Judges Güney and Tuzmukhamedov	288
Public Redacted Version of Judgement Issued on 18 July 2013, In the Contempt Case of Radislav Krstie, Case No. IT-95-5/18-R77.3, T. Ch. III, 18 July 2013	293
Dissenting Opinion of Judge Kwon	303
Commentary Yuliya Mik	305
Karadžić Judgement	
Judgement, Prosecutor v. Karadžić, Case No. IT-95-5/18-AR98bis.1, A. Ch., 11 July 2013	313
Commentary Iryna Marchuk and Aloka Wanigasuriya	370
Perišič Judgement	
Judgement, Prosecutor v. Perišić, Case No. IT-04-81-A, A. Ch., 28 February 2013	389
Joint Separate Opinion of Judges Meron and Agius	441
Partially Dissenting Opinion of Judge Liu	443
Separate Opinion of Judge Ramaroson	449
Commentary Nicholas Koumjian and Coman Kenny	466
Šainovič et al. Judgement	
Judgement, Prosecutor v. Šainovič, Pavkovič, Lazarevič, Lukič, Case No. IT-05-87-A, A. Ch., 23 January 2014	483
Partially Dissenting Opinion and Declaration of Judge Liu	1240
Dissenting Opinion of Judge Ramaroson	1249
Dissenting Opinion of Judge Tuzmukhamedov	1255
Commentary Hannah Brodersen	1307
Editors and Contributors	1331