

## Annotated Leading Cases of International Criminal Tribunals

The International Criminal Tribunal for the former Yugoslavia 2015–2016

André Klip and Steven Freeland (eds.)
Victoria Häberle / Enikő Deák (assistant editors)



## TABLE OF CONTENTS

Table of Contents	5
Preface	7
Stay / Continuation of Proceedings	
Consolidated Decision on the Continuation of Proceedings, <i>Prosecutor v. Hadžić</i> , Case No. 1T-04-75-T. T. Ch. II, 26 October 2015.	9
Partially Dissenting Opinion of Judge Hall	36
Decision on Prosecution's Urgent Interlocutory Appeal from Consolidated Decision on the Continuation of Proceedings, <i>Prosecutor v. Hadžić</i> , Case No. IT-04-75-AR73.I, A. Ch., 4 March 2016	41
Partially Dissenting Opinion of Judge Afande	52
Public Redacted Version of 24 March 2016 Decision on Remand on the Continuation of Proceedings, Prosecutor v. Hadžić, Case No. IT-04-75-T, T. Ch. II, 5 April 2016	55
Dissenting Opinion of Judge Mindua	64
Decision on Prosecution Motion for Formal Termination of the Proceedings, <i>Prosecutor v. Hadžič</i> , Case No. IT-04-75-T, T. Ch. II, 17 June 2016	67
Separate Opinion of Judge Mindua	72
Commentary Alexander Benz and Stefanie Bock	73
Provisional Release / Sentence Remission / Early Release	
Decision on Prosecution Appeal against the Decision on the Prosecution Motion to Revoke the Provisional Release of the Accused, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-AR65.1, A. Ch., 30 March 2015	81
Joint Dissenting Opinion of Judges Tuzmukhamedov and Afande	88
Interlocutory Decision Before Ruling on the Merit of the Revocation of the Provisional Release of the Accused, <i>Prosecutor v. Šešelj</i> , Case No. 1T-03-67-T, T. Ch. 111, 10 April 2015	93
Separate Opinion of Judge Niang	96
Separate Concurring Opinion of Judge Antonetti	97
Decision on Urgent Interlocutory Appeal from Decision Denying Provisional Release, <i>Prosecutor v. Hadžić</i> , Case No. 1T-04-75-AR65.1, A. Ch., 13 April 2015	111
Commentary Nikila Kaushik	121
Review of Judgement	
Decision on Milan Lukić's Application for Review, <i>Prosecutor v. Lukić</i> , Case No. MICT-13-52-R.1, A. Ch., 7 July 2015	129
First Part of the Dissenting Opinion of Judge Antonetti	139
Second Part of the Dissenting Opinion of Judge Antonetti	141
Commentary Nora Christiansen	205

## Judgements

Judgement, Prosecutor v. Tolimir, Case No. IT-05-88/2-A, A. Ch., 8 April 2015	215
Partly Dissenting Opinion of Judge Sekule	397
Partly Dissenting Opinion of Judge Güney	401
Separate and Partly Dissenting Opinion of Judge Antonetti	403
Commentary Miguel Manero De Lemos	500
Judgement, Prosecutor v. Stanišič and Simatović, Case No. IT-03-69-A, A. Ch., 9 December 2015	513 555 559 580
Commencacy Trace Farmager	360
Contributors and Editors	505