

**Security Council**

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Letter dated 15 November 2006 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 would transmit the present letter and its annexes to the members of the Security Council.

(Signed) Fausto **Pocar**
President



Annex I

Assessment and report of Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Council resolution 1534 (2004)

1. This report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 in which the Council, in paragraph 6 of the resolution, requested the International Tribunal for the Former Yugoslavia (“International Tribunal”) “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 This is the sixth report of the President of the International Tribunal in compliance with Security Council resolution 1534 (2004) and summarizes the concrete measures taken towards implementation of the completion strategy from 25 May to 15 November 2006 as well as describes the steps that remain to be taken to that end.

I. Introduction

2. During the reporting period, the three Trial Chambers of the International Tribunal continued to operate at full capacity hearing six trials simultaneously and managing 17 cases in the pre-trial stage (including contempt cases). The cases tried during the reporting period were *Orić; Krajišnik; Mrkšić, Radić and Šljivančanin; Martić; Prlić, Stojić, Praljak, Pečković, Čorić and Pušić; Milutinović, Šainović, Ojdanić, Pavković, Lazarević and Lukić; Popović, Beara, Nikolić, Borovčanin, Tolimir, Miletić, Gvero, and Pandurević*. Of these cases, most accused were tried in three large trials, namely *Prlić et al., Milutinović et al. and Popović et al.*, involving a total of 21 accused. These multi-accused trials were able to commence in April and July 2006, at least six months earlier than planned, as a result of significant efforts which I made in cooperation with Trial Judges to re-structure the Trial Chambers, as well as concrete measures taken by the International Tribunal as outlined in my last two completion strategy Reports to the Security Council. With the onset of these multi-accused cases, the International Tribunal was able to try an unprecedented number of 25 accused simultaneously during the reporting period. Of the cases tried, judgement was rendered in the *Orić* case on 30 June 2006, judgement was delivered in the *Krajišnik* case on 27 September 2006, and it is currently anticipated that judgements in *Mrkšić, Radić and Šljivančanin* as well as in *Martić* will be issued in early 2007. In addition, the Trial Chambers heard one contempt case involving one accused. Judgement was rendered in the *Jović* contempt proceeding on 30 August 2006.

3. While hearing these cases, the Trial Chambers have been actively involved in preparing new cases for trial. Following the recommendations of the Working Group on Speeding Up Trials outlined in my last report to the Security Council, Judges are taking a much more pro-active role in the preparation of cases for trial. During this reporting period, Trial Chambers issued 192 written and 29 oral pre-trial decisions on such issues as form of the indictment, challenges to jurisdiction, protective measures for victims and witnesses, applications for provisional release, adjudicated facts, and the admissibility of written witness statements under Rule 92bis. I note in particular that, in July 2006, Trial Chamber II joined the *Gotovina* case with the *Čermak* and *Markač* cases, which was affirmed on appeal. As a result of this efficient pre-trial work, following the close of the *Mrkšić et al.* and *Martić* cases in March and February 2007 respectively, the *Dragomir Milošević* and *Bošković* and *Tarčulovski* trials are prepared to commence.

4. The Appeals Chamber has also continued to function at full capacity. It has issued 170 written decisions, including 20 interlocutory appeals from cases at trial; three referral decisions; 131 pre-appeal decisions; one contempt decision and 12 review, reconsideration or other decisions both from the International Tribunal and the International Criminal Tribunal for Rwanda (“ICTR”) since the last report. In July 2006, final judgement was rendered in the *Ntagerura et al.* and

¹ The present report should be read in conjunction with the previous five 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/2005/532 of 30 November 2005; and S/2006/353 of 30 May 2006.

Gacumbitsi cases. The Appeals Chamber will also deliver final judgements in *B. Simić* and in *Galić* in November and December respectively. Additionally, as a result of efficient pre-appeal management, one appeal pending in the case of *Strugar* was withdrawn by both parties due to the age and health condition of Strugar. By the end of this calendar year, the Appeals Chamber will have closed an unprecedented number of eight proceedings involving 11 accused. The Appeals Chamber is expected to render final judgements in the cases of *Brđanin*, *Bralo*, *Blagojević and Jokić* and *Ndindabahizi* early next year. At present, the International Tribunal has 15 appeals from judgment on its docket.

5. Currently, 15 accused in nine cases are awaiting trial before the International Tribunal. This represents a dramatic decrease of 20 accused in pre-trial since the last reporting period due to the start of new trials and 11bis referral of cases to national jurisdictions. Of these 15, eight have been provisionally released.

6. In my last report to the Security Council, I advised the Council that following the deaths of Slobodan Milošević and Milan Babić in the International Tribunal's custody, I authorized the Registrar of the International Tribunal to make a request to the Swedish authorities to conduct an independent audit of the United Nations Detention Unit ("UNDU") in accordance with Rule 33 of the Rules of Procedure and Evidence of the International Tribunal ("Rules"). The results of the Swedish audit were transmitted to the Registrar of the Tribunal on 8 May 2006 and made public on 15 May 2006 ("Audit Report"). In response to that Audit Report, a Working Group was established made up of representatives of the Judges, Registry and the Administration to ensure the efficient implementation of all recommendations made in the report.

7. I am pleased to advise that on 4 October 2006, the Working Group completed its confidential report on the feasibility of the recommendations made in the Audit Report. The Working Group produced a very thorough and comprehensive report that provides practical and concrete measures to ensure that the recommendations of the Audit Report are implemented as appropriate. The Working Group reviewed the Audit Report recommendations in light of the input and comments received from the various Registry Sections and also by reference to independent research carried out by the Working Group. Although the UNDU was not represented on the Working Group, it was consulted by the Working Group throughout the entire process. In reviewing the Audit Report's recommendations, the Working Group found it important to reiterate that the report found the conditions of the UNDU to be of the very highest standards but also considered that the majority of recommendations made by it were reasonable and feasible. They further noted that a number of recommendations had already been implemented or were being addressed by the UNDU Management. The report of the Working Group contains confidential information pertaining to UNDU Security and for that reason a redacted version of the Working Group Report will be made public in the near future.

8. In this respect, I have pushed for an expedited process for transfer of convicted persons from the custody of the UNDU to States where they are to serve their sentence. This is not only a matter of improving conditions within the UNDU, but also one of upholding human rights norms in keeping those convicted separate from the accused while in detention. To that end, during the reporting period, four convicted persons were transferred to Austria, Italy and Denmark upon the close of their cases at the International Tribunal.

II. Measures taken to implement the completion strategy

A. Speeding up of trials and appeals

9. In my last two reports to the Security Council, I focused on illustrating the impact made by the Judges' implementation of the recommendations of the Working Group on Speeding Up Appeals and the Working Group on Speeding Up Trials on increasing the efficiency of the International Tribunal's appeals and trials. In this report, I will not repeat in detail the concrete measures taken in response to the reports of these two working groups. However, I will make some practical observations thereto and advise of further measures that have since been taken.

10. Amendments made to the Rules in order to expedite appeals following the report of the Working Group on Speeding Up Appeals continue to substantially impact on the expeditious and fair disposal of interlocutory appeals and appeals from Judgement by the Appeals Chamber. These amendments have, inter alia, resulted in shortening the time limits for the filing of appeals, in avoiding repetitious filings, and in expediting the disposal of appeals by expanding the use of written as

opposed to oral submissions. In addition, pre-appeals proceedings have been sped up by adoption of the Working Group's proposal for a greater role by the Pre-Appeal Judge in disposing of routine procedural motions, such as those requesting extensions of time or word limits, without consulting the full Bench of Judges.

11. The impact of the recommendations of the Working Group on Speeding Up Trials has had a fundamental impact on the conduct of trials at the International Tribunal. As I reported to the Security Council in my last report, the Working Group proposed a shift in the way the Tribunal conducts its trials away from an adversarial, party-driven procedure to tighter judicial control of the proceedings. As a result of implementation of these recommendations, the Judges are taking a much more active role in ensuring that cases are trial-ready, particularly upon the vacancy of courtrooms. In the conduct of pre-trial conferences, Pre-Trial Judges are insisting on the establishment of work plans, which set strict deadlines on the parties' disclosure of material and in reaching agreement on facts. The Pre-Trial Judges are also requiring the Prosecution to provide greater details on its trial strategy and obliging both parties to file their Pre-Trial briefs and witness and exhibits lists well before the start of their cases.

12. In order to facilitate the proactive role taken by Pre-Trial Judges, the policy of assigning cases, where possible to a Judge at the pre-trial stage who is anticipated to be one of the Judges that will hear the case at trial, continues to be applied. This has encouraged Pre-Trial Judges to take strong measures to efficiently prepare the cases for trial and, a greater knowledge of the scope of a case by Trial Chambers has allowed them to instruct the Prosecution to focus its case at trial by limiting the presentation of evidence and fixing the number of crime sites or incidents contained in one or more charges of the indictment. The impact on the efficiency of proceedings by having the Pre-Trial Judges form part of the Bench hearing the case for trial is shown by the control being exercised by the Chambers in the multi-accused cases of *Prlić et al.* and *Milutinović et al.* to which this policy was applied.

13. Following the Working Group's recommendations for enhancing the efficiency of trials in addition to pre-trial proceedings, the Judges of the International Tribunal were convened in two plenaries in June and September 2006, in which they discussed further ways to implement the Working Group's proposals. In the extraordinary plenary in September, the Judges adopted amendments to the Rules incorporating those proposals. That plenary led to the adoption by the Judges of two new provisions, Rules 92 ter and 92 quater. In essence, the amendments have increased the ability of Trial Chambers to consider written statements and transcripts of witnesses in lieu of oral testimony where that evidence goes to the acts and conduct of an accused. Trial Chambers are now empowered to decide whether a witness should appear for cross-examination where written statements or transcripts are used, and to allow the admission of written evidence of witnesses who are not available to attend as witnesses at the Tribunal.

14. The Judges have also taken action to expedite trial proceedings by placing limits upon the Prosecution's cases. As I reported to the Security Council during my oral presentation in June of this year, in May 2006, the Judges adopted an amendment to Rule 73bis to authorize Trial Chambers to either invite or direct the Prosecution to select those counts in the indictment on which to proceed. The Judges of the Tribunal considered that this Rule amendment was necessary to ensure respect for an accused's right to a fair and expeditious trial and to prevent unduly lengthy periods of pre-trial detention. While the Prosecutor strongly opposed this amendment due to her belief that she has a commitment to all victims of the former Yugoslavia, I am pleased to report that the Prosecution has responded positively to directions from the Trial Chamber to limit indictments. Following direction by the Trial Chamber in the case of *Šešelj* for reduction of the indictment, the Prosecution made proposals for that reduction to the Trial Chamber. Consequently, the Trial Chamber rendered a decision on 8 November 2006, whereby it reduced the indictment by five counts and ruled evidence in respect of crimes allegedly committed in five municipalities inadmissible. The practical effect of the Trial Chamber's decision is a reduction of the indictment by approximately one-third.

15. Considering that it is critical to the success of the International Tribunal for the Judges and the parties to work together in the completion of the Tribunal's mandate, Trial Chambers have made efforts to build consensus with the Prosecution by finding other ways to focus her cases apart from narrowing the scope of her indictments. For example, strict time limits have been placed upon the Prosecution and the Defence in the presentation of their cases in *Prlić et al.* and *Milutinović et al.*, resulting in the reduction of the anticipated length of trial by at least one-third and one-half respectively. In addition, in these cases as well as in the multi-accused case of *Popović et al.*, the Trial Chambers have placed restrictions on the amount of evidence that may be adduced in relation to some of the counts in the indictments.

Furthermore, restrictions have been placed on the time permitted for each accused to conduct their cross-examination. All of these measures are aimed at ensuring the accused at the International Tribunal receive a fair and expeditious trial, and that those accused awaiting trial are not unduly detained.

16. The efficient completion of trials at the International Tribunal continues to be aided by the use of the e-Court system in its proceedings. This system integrates all case-related documents into a central electronic database, thereby eliminating the need for unnecessary paper filings and increasing the accessibility of information. E-court is applied to all proceedings at the International Tribunal and earlier technical deficiencies and user problems have now been rectified resulting in the Tribunal seeing the benefits of more efficient use of court time. In a similar vein, a separate information technology network has been developed enabling Defence Counsel to access the Tribunal's Judicial Database from any location thereby allowing for them to more efficiently prepare and conduct their cases at trial.

17. In my last two reports to the Security Council, I have underscored that the realization of the International Tribunal's completion strategy relies largely upon the Tribunal continuing to function efficiently and improving its procedures until its closing by drawing upon its past experiences. This is only possible if the Tribunal is able to retain its highly qualified staff, who have the historical experience of the Tribunal's operations and a sense of ownership of the Tribunal's mandate. In order to ensure retention of its best staff, accelerated promotions have been implemented and the Tribunal is currently working towards securing a retention bonus for its longest-serving staff.

B. Ad litem judges

18. The ad litem Judges continue to be a valuable and necessary resource for the efficient conduct of trials at the International Tribunal. During the reporting period, four ad litem Judges were called upon in July to serve on the multi-accused cases of *Milutinović et al.* and *Popović et al.* In addition, two serving ad litem Judges were assigned to second cases to allow new trials to commence at the Tribunal as efficiently as possible. Thus, of the two ad litem Judges currently sitting on the case of *Martić*, one was assigned as the reserve ad litem Judge to the Bench in *Milutinović et al.*, and the other as an ad litem Judge to the case of *Šešelj*.

19. In addition to their work on trials, ad litem Judges have proved to be an extremely valuable resource with respect to pre-trial work. Their dedication and contribution to the efficient work of the Tribunal cannot be overstated. As highlighted in my last report, this contribution by ad litem Judges was greatly enhanced by the Council's adoption of resolution 1660 (2006), which amended the Statute and increased the number of ad litem Judges from 9 to 12 thereby allowing for the assignment of ad litem Reserve Judges to the multi-accused trials.

C. Referral of cases involving intermediate and lower-ranking accused to competent national jurisdictions

20. The transfer of cases involving intermediate and lower ranking accused to national courts in the former Yugoslavia pursuant to Rule 11bis of the Rules continues to be key to the implementation of the Tribunal's completion strategy and for the legacy of the Tribunal. To date, the Prosecutor has filed 13 referral motions involving 21 accused. One of those motions, that of Dragomir Milošević, was denied and two were withdrawn by the Prosecutor. One of the accused, Ivica Rajić, pleaded guilty before the International Tribunal and the other motion, involving a case of three accused, Mrkšić, Radić and Šljivančanin, commenced trial at the Tribunal in October 2005.

21. Of the motions filed, the Referral Bench has granted six referrals involving 11 accused. Four referral motions involving five accused are pending. Of those granted, eight accused appealed to the Appeals Chamber and six appeal decisions have been issued. One of those appeal decisions referred a case of two accused back to the Referral Bench and the other five decisions upheld the referrals. Currently, nine accused have been transferred to the Special War Crimes Chamber of Bosnia and Herzegovina and two accused have been transferred to the authorities of Croatia for trial before its domestic courts.

22. The Prosecution, through the Organization of Security and Cooperation in Europe, continues to monitor the trials referred to the region in light of its authority under Rule 11bis to request that a case be returned to the Tribunal should it determine that such a case is not being conducted fairly and with full adherence to human rights norms. On 14 November 2006, the trial of the first referred accused, Stanković, came to a close in the Sarajevo Special War Crimes Chamber. The

Tribunal is satisfied that this trial respected international norms of due process. It is critical to the success of the Tribunal's completion strategy and to upholding the rights of the accused that all referred cases are conducted in full compliance with the highest standards of due process.

23. In that respect, I urge the Security Council, and the international community as a whole, to ensure that transfers of cases from the International Tribunal to the region are successful by providing full support to building the capacity of domestic jurisdictions in the former Yugoslavia. The International Tribunal is aware that some Member States are involved in activities aimed at implementing the rule of law in the former Yugoslavia by providing necessary training and resources. However, the International Tribunal is equally aware that the actual resources deemed necessary to achieving lasting change in the region are far from being achieved. I urge the international community to protect our achievements thus far and to take the necessary steps *now* to entrench the rule of law by providing continued and sustained support to the local judiciaries and detention facilities in the region. It is these courts that have begun the next chapter of the Tribunal's work by domestic prosecutions of war crimes cases, and it is these courts that will carry on the legacy of this Tribunal by continuing prosecutions long after the Tribunal has completed its mission.

24. Making use of its field offices in Zagreb, Belgrade, Sarajevo and Prishtine/Pristina, the International Tribunal liaised closely with the local judiciaries in the region and participated in efforts to strengthen their capacity to try war crimes cases during the reporting period. Tribunal staff took part in a number of professional symposia. In Croatia, staff of the International Tribunal participated in a joint meeting of NGOs, international organisations and state officials on the issue of witness protection and support. In Bosnia and Herzegovina, the Registry Liaison Officer chaired and lectured at the first country-wide conference for local Judges and prosecutors on war crimes issues, and also gave presentations at three training seminars for defence lawyers from Bosnia and Herzegovina. In July, the Tribunal's Registrar visited the State Court of Bosnia and Herzegovina in the context of the close partnership between the two courts. In June, a group of Judges from Bosnia and Herzegovina paid a visit to The Hague and had an opportunity to familiarise themselves with the electronic court management and trial support tools used at the International Tribunal. The visit was part of a broader programme aimed at modernising court management systems in Bosnia and Herzegovina.

25. The International Tribunal's website continues to be a key source of information for legal professionals and the general audience in the former Yugoslavia. In the reporting period, the usage of the BCS website more than doubled, now counting over two million pages accessed during the last six months. More than a hundred thousand pages were opened on the Albanian site, showing significant growth. The condensed Macedonian site also experienced increasing use, with more than 600 pages accessed every month. In addition to online use of electronic documents, the Tribunal's Outreach Programme provided hundreds of recipients in the region with CDs containing legal documents as well as audio and video footage from the Tribunal's courtrooms. Video and audio feeds from the courtrooms continue to be available online.

26. In its continuing efforts to contribute to peace and reconciliation in the former Yugoslavia, the International Tribunal undertook a number of activities aimed at explaining its cases and findings to audiences in the region. In July, the Tribunal's Registrar visited the village of Grabovica in Bosnia and Herzegovina, where he met with family members of civilians killed there in 1993. In June, the Outreach Programme co-organised a major public event in Belgrade, which allowed representatives of the International Tribunal to communicate to Serbian judicial officials, students, and members of civil society on how the Tribunal has investigated, prosecuted and tried crimes committed in Prijedor, Bosnia and Herzegovina. In September, Judge Schomburg travelled to Prijedor to appear as the main speaker at a conference organised by a local victim association. In The Hague, the International Tribunal hosted a visit by members of the Kosovo Provisional Institutions of Self-Government, who received briefings from senior Tribunal officials and attended court hearings.

27. The Outreach Programme also participated at numerous other conferences, as well as summer schools and workshops for young lawyers, civil society activists and future politicians. In Kosovo, a series of lectures was held at high schools. At all such events, information materials in the local languages were distributed to the audiences. In Sarajevo, the Outreach Programme co-produced a comprehensive publication, which contains summaries of all cases that concern crimes committed in Bosnia and Herzegovina. The initial print of 2000 copies was distributed to victim associations, NGOs, judicial institutions, public officials, journalists and academic institutions across Bosnia and Herzegovina as well as Serbia.

D. Cooperation of States in the region with the International Tribunal

28. Shortly after my presentation to the Security Council in June 2006, the Russian authorities assured the transfer of Zelenović to the authorities of Bosnia and Herzegovina who then transferred Zelenović to the International Tribunal. However, the International Tribunal remains troubled by the failure of States to secure the arrest and transfer of the remaining six high-level fugitives, especially Ratko Mladić and Radovan Karadžić. The Judges of the International Tribunal are adamant that the Tribunal must not close its doors without the arrest and trial of these fugitives. To do otherwise would mean that the International Tribunal will not have fully discharged its mandate and the message and the legacy of the Tribunal that the international community will not tolerate serious violations of international humanitarian law will be dangerously undermined.

29. The success of the International Tribunal in the completion of its mandate has always hinged significantly upon State cooperation and non-interference in cases once they have commenced. This becomes increasingly critical as the International Tribunal approaches the last stages of its completion strategy. If the International Tribunal is to achieve the aims of the international community in bringing justice, peace and reconciliation to the region of the former Yugoslavia, then it must act immediately to ensure that all remaining fugitives are arrested and transferred to the International Tribunal. Accordingly, I urge all States to take immediate, concrete measures to actively seek the whereabouts of these remaining fugitives and to ensure their transfer to the International Tribunal without further delay.

III. Updated prognosis regarding implementation of the completion strategy

30. Following on from my last report to the Council, I again confirm that despite our best efforts thus far, trials will run into 2009. As I there identified, there are a number of factors that will influence whether the conclusion of trials by 2009 remains feasible. The first factor is the success of the multi-accused trials. Current observations are that those trials are running very smoothly. However, there are also indications that absent a firm controlling hand and full cooperation of the parties, those trials could tend to run longer than originally anticipated. In endeavouring to reduce the length of these trials, the Judges have used Rule 73bis to limit the amount of time accorded to the parties in the presentation of their cases. For example, in the *Milutinović et al.* case, the Trial Chamber has had to issue an order substantially curtailing the time available to the parties in response to indications that should the trial continue at its current pace, the case would take at least twice as long as originally anticipated. Likewise, in the *Prlić et. al* case, while strict time limits were imposed at the commencement of trial, the Trial Chamber faces a running battle to ensure that the proceedings remain within the established framework of time allocation.

31. As noted previously, Judges have also begun to take advantage of the recent amendment to Rule 73bis, which authorizes a Trial Chamber to invite or direct the Prosecutor to reduce the scope of her indictments by selecting those counts on which she wishes to proceed. This mechanism was recently used by the Trial Chamber in the *Šešelj* case to reduce the Prosecution's indictment by one-third. It is anticipated that this mechanism will be increasingly relied upon by Judges as a necessary tool for reducing the length of trials not only for the purpose of the International Tribunal being able to meet its completion strategy objectives, but primarily for upholding the right of the accused to an expeditious trial.

32. While Judges are doing what they can to ensure the efficient conduct of pre-trial and trial proceedings, other factors outside of Judges' control, including illness of the accused or counsel, the availability of witnesses and State cooperation, may impact upon the speed at which these cases proceed. In addition, the successful completion of trials depends in no small part upon the retention of qualified staff up to the very closing of the International Tribunal.

33. As outlined earlier, to reduce the number of cases on the International Tribunal's docket, the Tribunal has continued to refer cases of lower and intermediate accused back to the region. Two cases involving three accused have been transferred in the reporting period and four cases remain pending before the Referral Bench. Once these cases are finalized, there are no other cases currently earmarked for referral as they do not involve intermediate or lower level accused as provided for under Security Council resolution 1503 (2003). Furthermore, the referred cases may be a factor impinging upon completion strategy target dates if their referrals have to be revoked such that they must be sent back to the International Tribunal's jurisdiction due to a failure by national courts in the region to uphold fair trial principles.

34. I have already raised the critical issues of the six outstanding fugitives; however, I particularly emphasize the need to apprehend Ratko Mladić and Radovan Karadžić. For over a decade, the International Tribunal has repeatedly called on Member States to ensure the arrest of these fugitives without result. If the Tribunal is to complete its trials by 2009, these fugitives must be arrested immediately. The continued failure to ensure their arrest *now* renders the 2009 date for the completion of all trials doubtful.

IV. Conclusion

35. In the past six months, the International Tribunal was able come out of a time of significant change and unprecedented challenges while, at the same time, achieving one of the most productive periods in the Tribunal's history. In total, the Trial and Appeals Chambers issued 391 decisions and four Judgments. In the calendar year, the Appeals Chamber will be able to bring a total of eight proceedings, both ICTY and ICTR, to a close, marking the most productive year ever for the Appeals Chamber. As a result, 15 appeals remain to be heard. Currently, the International Tribunal has nine trials in the pre-trial phase remaining on its docket, and it is anticipated that the six trials currently pending, in addition to those in pre-trial, will be subject to appeal proceedings. Thus, we can foresee that the International Tribunal will have 15 appeals following the conclusion of those trials. With respect to the concluding date for appeals, the International Tribunal expects that within two years of the end of each trial, any appeal filed thereafter will be completed.

36. As evidenced by this report, the International Tribunal has taken further positive steps in the last six months to increase the efficiency of its trials and appeals. It has embraced the changes advocated by the Working Group on Speeding Up Appeals and the Working Group on Speeding Up Trials and seen decisive results in appeal and trial efficiency. In addition, the Judges have remained vigilant in looking for ways of improving the practice and procedure of the International Tribunal's trials and have adopted further Rule amendments towards this end.

37. Consequently, the Judges' efforts to speed up proceedings have resulted in an increasingly diminishing number of accused whose cases remain to be completed. To date, cases against 97 accused, out of a total of 161 indicted, have been closed. While proceedings against 64 accused remain to be completed, out of this number, 15 have already been tried and are at the appeals stage, 23 are currently on trial, only 15 are in the pre-trial stage, four are pending Rule 11bis motions for referral, and the remaining six accused are still at large. By the end of this year, the Tribunal is scheduled to close proceedings against two more accused with the issuance of two appeal judgements and, in the first quarter of 2007, appeal proceedings against four more accused are scheduled to be finished.

38. The International Tribunal will remain entirely committed to making every effort within its power to meet the completion strategy target dates. As this report illustrates, it is constantly reassessing its practices and adopting concrete mechanisms to improve the efficiency of its proceedings. The International Tribunal will not remain satisfied with the status quo, but will continue to explore new measures to ensure that it retains the support of the international community to fully discharge its mandate. It will also continue its efforts towards securing the rule of law in the States of the former Yugoslavia through its partnership with local judiciaries, outreach activities and the dissemination of materials in the region. It is only through supporting the development of national jurisdictions in the region that the International Tribunal's legacy will have lasting value. In this regard, I urge the Member States of the Council to continue to join with us in this extremely important endeavour. While the International Tribunal will remain steadfast in its efforts to increase the efficiency of its proceedings, as noted above, its success in meeting the completion strategy hinges on several factors beyond its control including the arrest of the remaining fugitives and the successful trials of cases transferred to the region.

39. In conclusion, this report is further proof that the International Tribunal has been and will continue to be working harder than ever towards completion of its mandate as part of the furtherance of peace and security in the former Yugoslavia. The International Tribunal remains ever indebted to the Security Council for its steadfast support for our work up to this point. I remind the Council that, due to the Security Council's visionary thinking in establishing the Tribunal in 1993, it has now become common practice in regions around the globe to hold individuals responsible for war crimes, crimes against humanity and genocide. Because of the Security Council's leadership, efforts to punish and deter war crimes, crimes against humanity and genocide through international justice have become widespread. With the Council's

support, the experience and jurisprudence of the International Tribunal in enforcing international criminal justice while upholding the highest standards of due process has paved the way for this historic development. I call upon Member States of the Council to maintain that support in the few remaining years of the Tribunal. There is still much work to be done, including the trials of our six remaining high-level fugitives, including Ratko Mladić and Radovan Karadžić. It would be a lasting stain on the legacy of the Tribunal if these accused were to remain untried by the Tribunal and would send the wrong message with respect to the international community's commitment to the former Yugoslavia. We must forge ahead together to see the work of the International Tribunal through not only for historic reasons, but more importantly, for the cause of international justice and the continued fight against impunity in the interests of promoting international peace and security.

Annex II

Assessment of Carla del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia provided to the Security Council pursuant to paragraph 6 of Council resolution 1534 (2004)

1. This report follows up the assessment of 7 June 2006, and details the continuing progress made by the Office of the Prosecutor towards implementing the completion strategy. The report outlines measures implemented recently, and indicates future steps.
2. The Security Council has called on the Tribunal to prosecute in The Hague only the most senior leaders. That is being done. All remaining trials involve persons who were in high level positions of command and authority.
3. Additional measures have been taken to increase the efficiency of the trials while maintaining the highest judicial standards. In this context, the cooperation between the Office of the Prosecutor and the Chambers has been quite fruitful.
4. There remains, of course, the need to arrest the six remaining fugitives. Although their arrival will not reduce the Tribunal's workload, their early arrival would lessen the impact on the trial schedule considerably as a number of opportunities still remain to have these fugitives joined with other indictees awaiting trial. However, with every new trial that begins, such opportunities are lost.

Progress made towards the implementation of the completion strategy

Arrest of fugitives

5. Six persons indicted by the ICTY are still at large, including the most important accused, Radovan Karadzic and Ratko Mladic. They are both accused of the gravest crime: genocide. In the reporting period, none of the remaining fugitives was transferred to the custody of the Tribunal. The Prosecutor remains committed to do her utmost to work with all the relevant actors so as to locate and apprehend them. She has followed up on her initiatives to better co-ordinate the activities carried out by the various national authorities and international bodies in order to locate and arrest them. In the reporting period, she travelled to Belgrade to discuss issues related to fugitives with the highest authorities, including the President and Prime Minister of Serbia and various other senior officials. The Prosecutor was also asked by the Presidency of the European Union to assess the level of co-operation provided by Serbia to the ICTY. For this purpose, she participated to a meeting of the EU Troika on 16 October. She also met the EU Commissioner in charge of enlargement and her office maintains close links with the institutions of the European Union, as they continue to demonstrate a strong interest and a consistent support for the work of the ICTY.

Transfer of cases

6. Between 1 September 2004 and 28 July 2005, in accordance with the Security Council resolutions 1503 and 1534, which prescribe that only the most senior leaders responsible for the most serious crimes must be tried in The Hague, thirteen motions requesting the referral of indicted cases pursuant to Rule 11 bis of the Rules of Procedure and Evidence, involving twenty-one mid- and lower-level accused, have been filed by the Prosecutor. In the reporting period, one additional case involving two accused was transferred to Bosnia and Herzegovina. Furthermore, on 14 November, the first judgement on a case referred to Bosnia and Herzegovina under Rule 11bis was rendered by the War Crimes Chamber of the State Court of Bosnia and Herzegovina in the Stankovic case.

7. In addition to the transfers of indicted cases under Rule 11bis, the OTP has also continued to handover investigative material to national prosecutors for their review and further investigations. Co-operation has been launched with the relevant authorities in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia for this purpose. Several of these cases have been or are being tried in Belgrade and Sarajevo.
8. The OTP has carried out numerous activities to ensure a smooth transfer of these proceedings. Meetings were held with the State Prosecutors of Serbia, Bosnia and Herzegovina and Croatia, as well as with the Prime Minister of the former Yugoslav Republic of Macedonia. OTP officials have also taken part in several meetings organised by the OSCE in order to advance the regional cooperation in judicial matters. Progress has been made, but serious obstacles remain to be overcome. The impossibility under current national laws to extradite nationals or to transfer proceedings in cases involving sentences higher than 10 years must be tackled urgently. On 7 September, at the invitation of the Presidency of the OSCE, the Prosecutor travelled to Vienna to encourage this organisation to take the lead in bridging what is often referred to as the “impunity gap”.

Measures taken to speed up trials

9. The Office of the Prosecutor continues to present six trials daily – a busy and punishing schedule. In each of the Tribunal’s three courtrooms, one trial is conducted in the morning and a second trial, involving a second prosecution team, takes its place in the afternoon. This rhythm is sustained, with a great deal of work being done by OTP staff to meet deadlines set by the Judges and to ensure a steady stream of witnesses to give live testimony before the Trial Chambers.
10. The Prosecutor is fully aware of the Council’s concerns about the time needed to complete cases. Considerations of time are built into the very fabric of prosecution work. The OTP mission statement itself is expressed as the “positive completion” of the mandate, the aim of this twin test being to ensure that every prosecution decision made contributes not only to achieving justice but also to meeting the Tribunal’s overall completion strategy.
11. The Prosecutor’s policy has been to seek to join as many accused as possible into single trials. The initial fears that such large cases would be unmanageable have so far not been realised, and three cases, each involving six or more accused, are now running with a total of 23 accused currently on trial. In addition, at all times there is another case ready to begin at short notice if a current trial comes to an end unexpectedly.
12. Trials run to strict timetables established by the Judges, and the speed at which proceedings progress is a driving consideration for all OTP trial teams. It is now the practice for parties to provide detailed estimates of the time required for the presentation of their cases. Precise numbers of hours are allocated for leading evidence, and time is closely monitored even to the level of the number of minutes taken for each courtroom activity.
13. Prosecution teams continue to explore all available avenues to reduce the number of issues that use trial time. Motions are routinely presented to avoid the attendance of witnesses where their written statements will suffice. In light of recent jurisprudence from the Appeals Chamber of the ICTR, which recognised that it was common knowledge that genocide had occurred in Rwanda, there may be increased scope for avoiding proof of matters that are no longer capable of reasonable dispute, and it may also be that specific facts already established in previous trials will become accepted without having to be proven in the subsequent prosecution.
14. Compared with previous years, far fewer ordinary “crime base” witnesses now testify *viva voce* in court, and in one recent case, large portions of evidence were presented in the form of factual dossiers. If witnesses do travel to The Hague, prosecution teams now prepare their evidence in advance in writing, and dispense with live testimony on matters that are presented to the Trial Chamber in the written statement. Reducing the amount of live evidence-in-chief in this way has become standard prosecution practice, and is perhaps the single biggest change in how the prosecution case is presented. Although substantial court time is saved, considerable extra effort is involved in contacting witnesses and preparing written materials, which places new demands on the OTP.

15. Thanks to this new approach, substantial savings of time have been achieved. In one trial, for instance, 69 witnesses were called in 62 court days - 14 witnesses being called in one week - an estimated 50% saving in time. The average time taken by the prosecution to question an ordinary crime base witness is now somewhere between 15 and 30 minutes, depending on whether the witness must refer to documents, maps or videos. This is approximately four times less than the time needed for such witnesses in previous standard trials. Time needed for expert witnesses and insider witnesses has also been substantially reduced.
16. As a result of these steps, timings at the ICTY have become impressive by the standards of any judicial system, and compare extremely well with the first trials before the ICTY in which witnesses were often each examined for several days in the courtroom. There are limits, however, to the extent to which the prosecution can achieve further reductions in its use of courtroom time. The prosecution case is only part of the overall process. In a current case, for example, in which the prosecution have taken 102 hours, the defence has taken 126 hours, and procedural issues or judicial interventions have taken 104 hours. Moreover, not all prosecution initiatives are successful. Efforts to secure the agreement of the defence on factual matters typically do not produce results, and the number of accused now prepared to plead guilty has substantially reduced. Prosecution attempts to resolve witness issues early before some Trial Chambers do not always bear fruit. Some Trial Chambers favour the attendance of witnesses in person, in some instances not allowing documents to be produced unless introduced by witnesses. One Trial Chamber has recently expressed its concerns about the quality of written statements when compared to live testimony, and defence counsel have begun to complain about what they see as "trial by stopwatch", an approach they suggest as being incompatible with the proper exercise of its duties by an independent judicial body. Trials must be both fair and expeditious, and we cannot allow justice to suffer for the sake of expediency.
17. Rule 73 bis of the Tribunal's Rules of Evidence and Procedure now allows a Trial Chamber to direct the Prosecutor to select the counts on the indictment on which to proceed. In two cases this mechanism has resulted in a reduction of the scope of the prosecution case and a restriction of the number of crimes to be proved and evidence to be led. In addition, the Prosecutor continues to conduct her own internal reviews of the extent of prosecution cases, and to consider amendments to indictments, either before or during trials. She will, however, continue to resist reducing counts in indictments where she considers that to do so will damage the prospects of conviction or a proper consideration of the criminality of an accused. The justice provided by the ICTY must continue to be in accordance with the principles of integrity, fair trial and due process. Victims' groups and even defence counsel are increasingly expressing their serious concerns in this regard.

External factors impacting on the implementation of the completion strategy

Cooperation of States and other actors

18. The main factor hampering the achievement of the completion strategy has been and remains the failure to arrest and transfer all persons indicted by the Tribunal. Six of them remain at large. In the reporting period, not a single fugitive was taken into custody.
19. The Office of the Prosecutor does not have the power or resources to carry out operations aimed at locating or arresting fugitives on its own. The primary responsibility to locate and arrest the remaining fugitives belongs to the Governments of Serbia and Bosnia and Herzegovina. Unfortunately, neither Serbia, nor Bosnia and Herzegovina are presently cooperating in a satisfactory manner.
20. Radovan Karadzic, the former President of Republika Srpska, is moving between Serbia and Republika Srpska within Bosnia and Herzegovina. Neither the authorities of Republika Srpska, nor the Serbian Government are actively trying to locate Karadzic. The efforts made by the international community in Bosnia and Herzegovina to target his network have also remained fruitless.

21. Ratko Mladic remains at large in Serbia. In July, Serbia issued a well-advertised Action Plan to locate Ratko Mladic and all other fugitives. Unfortunately, this Plan did not tackle seriously the grave dysfunctions noticed in previous reports. These include the lack of political engagement, the absence of trust and cooperation between the institutions involved and the failure to design a focused strategy. Only a robust demonstration of political will by the top leaders of Serbia can reverse the negative trend having affected Serbia's cooperation with the ICTY over the past year and a half.
22. Political will can lead to the quick arrest and transfer of Ratko Mladic, Radovan Karadzic, Zdravko Tolimir, Goran Hadzic and Stojan Zupljanin to The Hague, because all of them, according to the information available to the Prosecutor, are within reach of the Serbian authorities. Furthermore, Serbia is also capable, should the Government wish it, to locate Vlastimir Djordjevic in Russia, where he has been residing for several years.
23. The authorities of Bosnia and Herzegovina share with Serbia the responsibility to arrest and transfer the remaining fugitives to The Hague. There are reliable indications that Radovan Karadzic and Stojan Zupljanin, in particular, continue to move in and out of Bosnia and Herzegovina where they can still count on well-organised support networks. Both the central government in Sarajevo and the authorities of Republika Srpska must intensify their efforts to break these networks and locate and arrest the fugitives.
24. There is no significant problem in the co-operation provided by the other countries in the region, Croatia, the Former Yugoslav Republic of Macedonia and Montenegro.
25. In one particular case, *Haradinaj et al.*, the OTP relies on the co-operation provided by another UN body, the UNMIK. The OTP's principal requests to UNMIK relate to the access to documents and to the protection of witnesses. While there has been some progress on the problems reported in June to the Council, significant issues remain. However, a dialogue has been initiated with the UNMIK and some improvements, particularly regarding OTP's access to documents, have been achieved, with further discussions scheduled before the end of the year. In this regard, the security of witnesses remains a very serious concern. While the more positive approach shown thus far by the new leadership in the UNMIK is encouraging, it will be difficult to restore witness trust given the legacy of the previous UNMIK leadership.

Conclusion

26. As demonstrated by the present report, the Office of the Prosecutor is doing the maximum to maintain as much as possible the timeframe of the completion strategy. The first deadline of this strategy was met with all the remaining investigations completed by the end of 2004. Additionally, the Office of the Prosecutor continues to work closely with the other organs of the Tribunal to speed up the trials so as to meet the objectives set in Resolutions 1503 and 1534.
27. The successful implementation of the completion strategy however largely depends on the authorities of Serbia and of Bosnia and Herzegovina. They must now take decisive action to bring all six remaining fugitives to The Hague as soon as possible. It would be inconceivable that the Tribunal completes its mandate while Radovan Karadzic and Ratko Mladic, both accused of genocide, remain at large. The victims, and the populations of the former Yugoslavia in general, will never accept that justice was done unless these two most responsible perpetrators are tried. The Council may wish to consider further action to encourage Serbia and Bosnia and Herzegovina to finally fulfil their international obligation under Chapter VII of the Charter.

Enclosure I

1. Persons Convicted or Acquitted after Trial between 25 May 2006 and 15 November 2006 (2 persons)*				
Case	Name	Former Title	Initial Appearance	Judgement
1	Naser Orić	Military and Police commander, ABiH	15 April 2003	30-June-06 (Convicted)
2	Momčilo Krajišnik	President of RS National Assembly	7 April 2000	27-September-06 (Convicted)

* For period prior to 25 May 2006, refer to Annex I, Enclosure I of the previous report, S/2006/353. From the inception of the Tribunal to 15 November 2006, in 28 trials, a total of 42 persons have been convicted and 6 persons acquitted. Three of the 42 convictions were later reversed on appeal.

2. Persons Pleading Guilty between 25 May 2006 and 15 November 2006 (0 persons)*				
Case	Name	Former Title	Initial Appearance	Judgement
<i>There were no accused who pleaded guilty during the reporting period.</i>				

* For the period prior to 25 May 2006, please refer to Annex I, Enclosure I of the previous report, S/2006/353. From the inception of the Tribunal to 15 November 2006, a total of 19 persons have pleaded guilty in a total of 15 cases.

3. Persons Convicted of Contempt between 25 May 2006 and 15 November 2006 (2 persons)				
Case	Name	Initial Appearance	Judgement	
1	Ivica Marijačić	14 June 2005	27-09-2006 (Conviction affirmed on appeal)	
	Markica Rebić		27-09-2006 (Conviction affirmed on appeal)	
Total Persons: 2				

Legend:

ABiH: Army of Bosnia and Herzegovina
RS: Republika Srpska

Enclosure II

1. Trials in Progress (23 accused, 5 cases)*				
Case	Name	Former Title	Initial Appearance	Comments
1	Mile Mrkšić	Colonel and Commanding Officer, JNA	16 May 2002	"Vukovar Hospital" Trial commenced 10 October 2005
	Miroslav Radić	Captain, JNA	16 May 2002	
	Veselin Šljivančanin	Major, JNA	3 July 2003	
2	Milan Martić	President, "RSK"	21 May 2002	"RSK" Trial commenced 13 December 2005
3	Jadranko Prlić	President, "Herceg-Bosna"	6 April 2004	"Herceg-Bosna" Trial commenced 26 April 2006
	Bruno Stojić	Head Department of Defence, "Herceg-Bosna"		
	Slobodan Praljak	Assistant Minister Defence, "Herceg-Bosna"		
	Milivoj Petković	Commander, HVO		
	Valentin Ćorić	Chief of Military Police Administration, HVO		
	Berislav Pušić	Military Police Commanding Officer, HVO		
4	Dragoljub Ojdanić	Chief of Staff, VJ	26-Apr-02	"Kosovo" Trial Commenced 10 July 2006
	Nikola Šainović	Deputy Prime Minister, FRY	3-May-02	
	Milan Milutinović	President Republic of Serbia	27-Jan-03	
	Vladimir Lazarević	Commander, Pristina Corps, VJ, Kosovo	7-Feb-05	
	Sreten Lukić	Head Staff, Serbian Ministry of Internal Affairs, VJ, Kosovo	6-Apr-05	
	Nebojša Pavković	General, Commander 3 rd VJ Army, Kosovo	25-Apr-05	
5	Ljubiša Beara	Colonel, Chief of Security, VRS	12-Oct-04	"Srebrenica" Trial Commenced 14 July 2006
	Drago Nikolić	Chief of Security, Drina Corps, VRS	23-Mar-05	
	Ljubomir Borovčanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	7-Apr-05	
	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	18-Apr-05	
	Vinko Pandurević	Commander, Zvornik Brigade, VRS	31-Mar-05	
	Milan Gvero	Assistant Commander, VRS	2-Mar-05	

	Radivoje Miletić	Chief of Operations, Deputy Chief of Staff, VRS	2-Mar-05	
	Total persons: 23			

*All figures as of 15 November 2006. The case against Vojislav Šešelj is scheduled to commence on 27 November 2006.

Legend:

FRY: Federal Republic of Yugoslavia

Herceg-Bosna: Croatian Republic of Herceg-Bosna

HVO: Croatian Defence Council

JNA: Yugoslav People's Army

RS: Republika Srpska

RSK: Republic of Serbian Krajina /Republika Srpska Kkrajina

VRS: Bosnian Serb Army

VJ: Armed Forces of the Federal Republic of Yugoslavia

2. Contempt Cases in Progress (2 accused, 2 cases)*			
Case	Name	Initial Appearance	Comments
1	Domagoj Margetić	13 October 2006	Assigned to Trial Chamber
2	Josip Jović	14 October 2005	30-08-2006 (Convicted by Trial Chamber) Appeal pending
	Total Persons: 2		

*All figures as of 15 November 2006.

Legend:

ABiH: Army of Bosnia and Herzegovina

Herceg-Bosna: Croatian Republic of Herceg-Bosna

HVO: Croatian Defence Council

JNA: Yugoslav People's Army

RS: Republika Srpska

RSK: Republic of Serbian Krajina /Republika Srpska Kkrajina

Enclosure III

1. Arrivals at the Tribunal between 25 May 2006 and 15 November 2006 (1 accused)					
	Name	Former Title	Place of crime	Arrival Date	Initial Appearance
1	Dragan Zelenović	Sub Commander, Military Police, Serb forces	Foča, BiH	10 June 2006	13 June 2006
Total new arrivals in reporting period: 1					

2. Remaining Fugitives (6 accused)				
	Name	Former Title	Place of Crime	Date indictment
1	Radovan Karadžić	President, RS	BiH	25 July 1995
2	Ratko Mladić	Commander, Main Staff, VRS	BiH	25 July 1995
3	Vlastimir Đorđević	Assistant Minister, Serbian Ministry of Internal Affairs, VJ	Kosovo	25 September 2003
4	Goran Hadžić	President, "SAO SBWS"	Croatia	28 May 2004
5	Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre	Krajina, Croatia	6 October 2004
6	Zdravko Tolimir	Assistant Commander, Intelligence and Security of the Main Staff, VRS	Srebrenica and Zepa	10 February 2005
Total Remaining Indictees: 6				

Legend:*BiH: Bosnia and Herzegovina**RS: Republika Srpska**SAO SBWS: Serbian Autonomous District, Slavonia Baranja and Western Srem**VRS: Bosnian Serb Army**VJ: Armed Forces of the Federal Republic of Yugoslavia*

Enclosure IV

Accused Awaiting Trial as of 15 November 2006 (15 Accused, 9 Cases)			
Case	Name	Former Title	Initial Appearance
1	Vojislav Šešelj	President, SRS	26-Feb-03
2	Franko Simatović*	Commander, Special Operations Unit, State Security Services ("DB"), Republic of Serbia	2-Jun-03
	Jovica Stanišić*	Head, State Security Services ("DB"), Republic of Serbia	12-Jun-03
3	Ante Gotovina	Commander, Split Military District, HV	12-Dec-05
	Ivan Čermak*	Assistant Minister Defence, Commander of Military Police, Croatia	12-Mar-04
	Mladen Markač*	Special Police Commander, Croatia	
4	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	7-Dec-04
5	Rasim Delić*	Commander, ABiH	3-Mar-05
6	Momčilo Perišić*	Chief of General Staff, VJ	9-Mar-05
7	Ramush Haradinaj*	Commander, KLA	14-Mar-05
	Idriz Balaj	Commander, KLA	14-Mar-05
	Lahi Brahimaj	Deputy Commander, KLA	14-Mar-05
8	Mičo Stanišić*	Minister, Internal Affairs, RS	17-Mar-05
9	Johan Tarčulovski	Personal Security Officer for President, FYROM	21-Mar-05
	Ljube Boškoski	Minister of Interior, FYROM	1-Apr-05
	Total Persons: 15		

* On provisional release. In total, there are eight accused awaiting trial who are on provisional release.

Legend:

ABiH: Army of Bosnia and Herzegovina
FYROM: Former Yugoslav Republic of Macedonia
HV: Croatian Army
KLA: Kosovo Liberation Army
RS: Republika Srpska
SRS: Serbian Radical Party
VRS: Bosnian Serb Army
VJ: Armed Forces of the Federal Republic of Yugoslavia

Enclosure V

11bis motions pending as of 15 November 2006 (5 Accused, 4 Cases)				
Case	Name	Former Title	Motion filed	Status
1	Dragan Zelenović	Sub-commander Military Police, paramilitary leader, Foča, BiH	21-Sep-04	Pending decision
2	Vladimir Kovačević	Commander, JNA	28-Oct-04	Pending decision
3	Sredoje Lukić	Member, Serb paramilitary unit, BiH	01-Feb-05	Pending decision
	Milan Lukić	Member, Serb paramilitary unit, BiH		
4	Milorad Trbić	Deputy Commander, Third Battalion VRS	3-May-06	Pending decision
Total Persons: 5				

11bis motions granted on appeal between 25 May 2006 and 15 November 2006 (3 Accused, 2 Cases)*				
Case	Name	Former Title	Motion filed	Status
1	Pasko Ljubičić	Commander 4 th Military Police Battalion, HVO	04-Nov-04	Case affirmed on appeal on 6 July 2006; the accused was transferred to BiH on 22 September 2006
2	Savo Todović	Deputy Commander, Foča Kazneno-Popravni Dom prison staff, BiH	01-Nov-04	Case affirmed on appeal on 4 September 2006; the accused were transferred to BiH on 3 October 2006
	Mitar Rašević	Commander, Foča Kazneno-Popravni Dom prison guards, BiH	04-Nov-04	
Total Persons: 3				

* In total, 11 Accused in six cases have been referred to the region on Rule 11bis motions to date.

Legend:

BiH: Bosnia and Herzegovina
HVO: Croatian Defence Council
JNA: Yugoslav People's Army
VRS: Bosnian Serb Army

Enclosure VI

APPEALS COMPLETED FROM 25 MAY 2006¹

(with date of Filing and Decision)

INTERLOCUTORY		FROM JUDGEMENT	
ICTY		ICTY	
1. Seselj IT-03-67-AR72.1	02/02/06-15/06/06	1. Strugar IT-01-42-A	02/03/05-20/09/06
2. Popovic et al IT-05-88-Ar65.2	17/05/06-30/06/06	ICTR	
3. Prlic et al IT-04-74-AR73.2	15/06/06-04/07/06	1. Ntagerura et al ICTR-99-46-A	04/03/04-07/07/06
4. Boskoski & Tarculovski IT-04-82-Ar65.3	07/07/06-28/08/06	2. Gacumbitsi ICTR-01-64-A	16/07/04-07/07/06
5. Martić IT-95-11-AR73.2	21/06/06-14/09/06		
6. Krajisnik IT-00-39-Ar73.2	30/06/06-15/09/06	OTHER	
7. Prlic IT-04-74-Ar73.3 <i>Confidential</i>	30/06/06-04/10/06	ICTY	
8. D. Milosevic IT-98-29/1-Ar65.1	22/08/06-18/10/06	1. Zigic IT-98-30/1-A	19/06/06-04/07/06
9. Seselj IT-03-67-AR73.3	04/09/06-20/10/06	2. Vasilijević IT-98-32-A	08/06/06-10/07/06
10. Gotovina IT-01-45-Ar73.1	17/08/06-25/10/06	<i>Confidential</i>	
11. Markac IT-03-73-Ar73.1	21/08/06-25/10/06	3. Kordic IT-95-14/2-A	10/07/06-05/09/06
12. Cermak IT-03-73-Ar73.2	21/08/06-25/10/06	<i>Confidential</i>	
		4. Delic IT-04-83.Misc.1	20/09/06-01/11/06
1. Muvunyi - ICTR-00-55A-AR73(C)	15/05/06-29/05/06	5. Radic IT-98-30/1-R.1	13/10/06-10/11/06
2. Karemera et al. - ICTR-98-44-AR73(C)	12/12/05-16/06/06	ICTR	
3. Karemera et al - ICTR-98-44-AR73.7	07/03/06-30/06/06	1. Rutaganira ICTR-95-IC-T	04/07/06-24/08/06
4. Karemera - ICTR-98-44-AR72.7	30/05/06-25/08/06	2. Niyitegeka ICTR-96-14-R	02/08/06-27/09/06
5. Ntabakuze ICTR-98-41-Ar73	20/07/06-18/09/06	(reconsideration)	
6. Bagosora - ICTR-98-41-AR73	29/05/06-26/09/06	3. Ntabakuze ICTR-98-41-Ar73	14/07/06-04/10/06
7. Butare - ICTR-97-21-AR73	08/06/06-27/10/06		
8. Zigiranyirazo ICTR-2001-73-AR73	19/06/06-30/10/06	REFERRAL	
		ICTY	
		1. Ljubic IT-00-41-AR11bis.1	25/04/06-04/07/06
		2. Rasevic & Todovic IT-97-25/1-AR11bis.1 & AR11bis.2	15/06/06-04/09/06
		ICTR	
		1. Bagaragaza ICTR-05-86-AR11bis	02/06/06-30/08/06
		REVIEW	
		ICTY	
		1. Zigic IT-98-30/1-A	07/12/05-26/06/06
		2. Kvo-ka et al IT-98-30/1-R.2	14/06/06-28/08/06
		3. Radic IT-98-30/1-R.1	27/02/06-31/10/06
		ICTR	
		1. Niyitegeka ICTR-96-14-R	27/10/04-30/06/06

CONTEMPT	
1. Marijadic and Rebic IT-95-14-R77.2-A	20/03/06-27/09/06

¹ **Total number of Appeals Completed from 25 May 2006 = 39**

Interlocutory Appeals = 20

Contempt = 1

Referral = 3

Appeals from Judgement = 3

Review = 4

Other = 8

Enclosure VII

APPEALS pending as of 15 NOVEMBER 2006² (with date of filing)			
INTERLOCUTORY		FROM JUDGEMENT	
ICTY 1. Trbic IT-05-88/1-Ar73.1 <i>Confidential</i> 2. Boskoski IT-04-82-Ar72.2	17/07/06 22/09/06	ICTY 1. Simi} IT-95-9-A 2. Gali} IT-98-29-A 3. Brđanin IT-99-36-A 4. Blagojevic/Jokic IT-02-60-A 5. Halilovic IT-01-48-A 6. Limaj IT-03-66-A 7. Bralo IT-95-17-A 8. Hadzihasanovic/Kubura IT-01-47-A 9. Oric IT-03-68-A 10. Krajisnik IT-00-39-A ICTR 1. Nahimana et al ICTR-99-52-A 2. Ndindabahizi ICTR-01-71-A 3. Muhimana ICTR-95-1B-A 4. Simba ICTR-01-76-A 5. Muvunyi ICTR-00-55A-A	17/11/03 15/12/03 30/09/04 23/02/05 16/12/05 30/12/05 05/01/06 13/04/06 31/07/06 25/10/06 12/12/03 13/08/04 20/05/05 14/12/05 12/10/06
OTHER		REFERRAL	
ICTY 1. Krnojelac IT-97-25-A <i>Confidential</i> 2. Stakic IT-97-24-R 3. Gotovina et al IT-06-90-Ar108bis.1 4. Prlic et al IT-04-74-Ar108bis.1 5. Stakic IT-97-24-A 6. Gotovina, Cermak & Markac IT-03-73-Ar73.1	05/10/06 05/10/06 25/10/06 25/10/06 27/10/06 08/11/06	ICTY 1. Blaskic IT-95-14-R ICTR 1. Rutaganda ICTR-96-3-R	29/07/04 13/04/06
ICTR 1. Karemera ICTR-98-44-AR73(C) 2. Nzirorera ICTR-98-44-Ar73 (C) 3. Ngirumpatse ICTR-98-44-Ar73(C)	07/08/06 17/08/06 29/08/06	CONTEMPT	
		ICTY 1. Josip Jovic IT-95-14 & 14/2-R77-A	14/09/06

² **Total number of Appeals pending = 29**

Interlocutory Appeals = 2 Contempt = 1 Referral = 0
 Appeals from Judgement = 15 Review = 2 Other = 9

Enclosure VIII

MOTIONS disposed of from 25 MAY 2006

(with date of disposition)

ICTY	
1. Blagojevic/Jokic IT-02-60-A 26/06/06	54. Halilovic IT-01-48-A 06/09/06
2. Blagojevic/Jokic IT-02-30-A 13/07/06	55. Halilovic IT-01-48-A 22/09/06
3. Blagojevic/Jokic IT-02-30-A 30/08/06	56. Halilovic IT-01-48-A 27/10/06
4. Blagojevic/Jokic IT-02-30-A 31/08/06	57. Jovic IT-95-14&14/2-R77-A 29/09/06
5. Blagojevic/Jokic IT-02-30-A 27/09/06	58. Jovic IT-95-14&14/2-R77-A 29/09/06
6. Blagojevic/Jokic IT-02-30-A 10/11/06	59. Jovic IT-95-14&14/2-R77-A 06/10/06
7. Blaskic IT-95-14-R 01/06/06	60. Krajisnik IT-00-39-A 26/10/06
8. Blaskic IT-95-14-R 20/06/06	61. Limaj et al IT-03-66-A 08/06/06
9. Blaskic IT-95-14-R 29/06/06	62. Limaj et al IT-03-66-A 09/08/06
10. Blaskic IT-95-14-R 13/07/06	63. Limaj et al IT-03-66-A 28/08/06
11. Blaskic IT-95-14-R 28/07/06	64. Limaj et al IT-03-66-A 01/09/06
12. Blaskic IT-95-14-R 03/08/06	65. Limaj et al IT-03-66-A 01/09/06
13. Blaskic IT-95-14-R 06/08/06	66. Limaj et al IT-03-66-A 31/10/06
14. Blaskic IT-95-14-R 06/08/06	67. Limaj et al IT-03-66-A 03/11/06
15. Blaskic IT-95-14-R14/08/06	68. Limaj et al IT-03-66-A 06/11/06
16. Blaskic IT-95-14-R 22/08/06	69. Marijacic & Rebic IT-95-14-R77.2.A 20/06/06
17. Blaskic IT-95-14-R 24/08/06	70. Martic IT-95-11-Ar73.2 23/06/06
18. Blaskic IT-95-14-R 24/08/06	71. Oric IT-03-68-A 03/10/06
19. Blaskic IT-95-14-R 25/08/06	72. Oric IT-03-68-A 06/10/06
20. Blaskic IT-95-14-R 05/09/06	73. Pavkovic IT-05-88-Ar65.2 20/07/06
21. Blaskic IT-95-14-R 20/09/06	74. Prlic et al IT-04-74-Ar73.3 14/06/06
22. Blaskic IT-95-14-R 02/11/06	75. Prlic et al IT-04-74-Ar73.3 14/06/06
23. Blaskic IT-95-14-R 03/11/06	76. Prlic et al IT-04-74-Ar108bis.1 10/11/06
24. Blaskic IT-95-14-R 14/11/06	77. Radic IT-98-30/1-R.1 10/11/06
25. Blaskic IT-95-14-R 14/11/06	78. Rasevic & Todovic IT-97-25/1-Ar11bis.1 28/06/06
26. Bralo IT-95-17-A 15/08/06	79. Seselj IT-03-67-Ar73.3 15/06/06
27. Bralo IT-95-17-A 30/08/06	80. Seselj IT-03-67-Ar73.3 27/09/06
28. Brdanin IT-99-36-A 15/06/06	81. Simic IT-95-9-A 01/06/06
29. Brdanin IT-99-36-A 24/07/06	82. Simic IT-95-9-A 07/09/06
30. Brdanin IT-99-36-A 03/10/06	83. Simic IT-95-9-A 02/11/06
31. Brdanin IT-99-36-A 10/10/06	84. Strugar IT-01-42-A 21/07/06
32. Brdanin IT-99-36-A 27/10/06	85. Trbic IT-05-88/1-Ar73.1 20/07/06
33. Brdanin IT-99-36-A 03/11/06	
34. Cermak & Markac IT-03-73-Ar73.3 14/09/06	
35. Galic IT-98-29-A 08/06/06	
36. Galic IT-98-29-A 15/06/06	
37. Galic IT-98-29-A 21/06/06	
38. Galic IT-98-29-A 14/07/06	
39. Galic IT-98-29-A 14/08/06	
40. Galic IT-98-29-A 28/08/06	
41. Galic IT-98-29-A 29/08/06	
42. Galic IT-98-29-A 10/11/06	
43. Galic IT-98-29-A 14/11/06	
44. Gotovina IT-01-45-Ar.73.1 21/08/06	
45. Gotovina IT-06-90-Ar108bis.1 10/11/06	
46. Hadzihasanovic/Kubura IT-01-47-A 27/06/06	
47. Hadzihasanovic/Kubura IT-01-47-A 13/07/06	
48. Hadzihasanovic/Kubura IT-01-47-A 13/07/06	
49. Hadzihasanovic/Kubura IT-01-47-A 26/07/06	
50. Hadzihasanovic/Kubura IT-01-47-A 08/08/06	
51. Hadzihasanovic/Kubura IT-01-47-A 13/07/06	
52. Hadzihasanovic/Kubura IT-01-47-A 14/11/06	
53. Halilovic IT-01-48-A 14/07/06	

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1. Bagaragaza ICTR-05-86-Ar11bis 02/06/06
2. Bagaragaza ICTR-05-86-Ar11bis 08/06/06
3. Bagosora et al ICTR-98-41-Ar73 01/06/06
4. Bagosora et al ICTR-98-41-Ar73 14/08/06
5. Bagosora et al ICTR-98-41-Ar73 14/08/06
6. Gacumbitsi ICTR-01-64-A 26/05/06
7. Karemera et al ICTR-98-44-Ar73(c) 01/06/06
8. Karemera et al ICTR-98-44-Ar73(c) 09/06/06
9. Karemera et al ICTR-98-44-Ar73(c) 14/08/06
10. Karemera et al ICTR-98-44-Ar73(c) 14/08/06
11. Karemera et al ICTR-98-44-Ar73(c) 24/08/06
12. Karemera et al ICTR-98-44-Ar73(c) 31/08/06
13. Muhimana ICTR-95-1B-A 13/06/06
14. Muhimana ICTR-95-1B-A 21/06/06
15. Muhimana ICTR-95-1B-A 14/08/06
16. Muhimana ICTR-95-1B-A 11/09/06
17. Muhimana ICTR-95-1B-A 11/09/06
18. Muhimana ICTR-95-1B-A 25/09/06
19. Muhimana ICTR-95-1B-A 14/11/06
20. Muvunyi ICTR-00-55A-A 18/10/06
21. Nahimana et al ICTR-99-52-A 26/05/06
22. Nahimana et al ICTR-99-52-A 14/06/06
23. Nahimana et al ICTR-99-52-A 20/06/06
24. Nahimana et al ICTR-99-52-A 23/06/06
25. Nahimana et al ICTR-99-52-A 28/06/06
26. Nahimana et al ICTR-99-52-A 17/08/06
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30. Nahimana et al ICTR-99-52-A 30/10/06
31. Nahimana et al ICTR-99-52-A 30/10/06
32. Ndindabahizi ICTR-01-71-A 14/06/06
33. Ndindabahizi ICTR-01-71-A 14/11/06
34. Niyitigeka ICTR-96-14-R 14/08/06
35. Ntabohali & Nyiramasahuko ICTR-97-21-Ar73 13/06/06
36. Rutaganira ICTR-95-IC-T 14/08/06
37. Simba ICTR-01-76-A 20/06/06
38. Simba ICTR-01-76-A 15/08/06
39. Simba ICTR-01-76-A 17/08/06
40. Simba ICTR-01-76-A 11/09/06
41. Simba ICTR-01-76-A 18/09/06
42. Simba ICTR-01-76-A 29/09/06
43. Simba ICTR-01-76-A 04/10/06
44. Simba ICTR-01-76-A 08/11/06
45. Zigiranyirazo ICTR-2001-73-Ar73 21/06/06
46. Zigiranyirazo ICTR-2001-73-Ar73 03/07/06