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Note to the Secretary-General

Through Ms. Malcorra

ICTY: Appeals Judgment in Tolimir

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EXECUTIVE SECRETARY
OF THE SECRETARY-GENERAL

1. The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) today delivered an important judgment upholding convictions for genocide of Mr. Zdravko Tolimir in respect of crimes committed in the Bosnian enclaves of Srebrenica and Žepa in 1995. The Appeals Chamber, composed of Judges Meron (presiding), Sekule, Robinson, Güney and Antonetti, also unanimously upheld a life sentence for Mr. Tolimir. At the time of the crimes in question, Mr. Tolimir was an Assistant Commander and Chief of the Sector for Intelligence and Security Affairs of the Main Staff of the Army of the Republika Srpska.

2. In December 2012, the Trial Chamber, by a majority, had found that Mr. Tolimir had participated in (i) a joint criminal enterprise to murder the able-bodied men of Srebrenica; and (ii) a joint criminal enterprise to forcibly remove Bosnian Muslims from the two enclaves. It accordingly found Mr. Tolimir guilty of genocide, conspiracy to commit genocide, extermination, murder, persecutions, and inhumane acts. Today's appeal judgment varies a number of limited components of those findings. Specifically, it reversed convictions for genocide (i) through causing serious mental harm to the Bosnian Muslim population of Eastern Bosnia, to the extent based on Bosnian Serb operations in Žepa; (ii) through infliction of conditions of life calculated to destroy the Bosnian Muslim population of Eastern Bosnia; and (iii) to the extent based on killings of three specific Žepa leaders. The Appeals Chamber also reversed his conviction for extermination as a crime against humanity, to the extent based on the killings of these three Žepa leaders, as well as convictions based on the killings of six Bosnian men near the locality of Trnovo. All other convictions were affirmed, and remaining grounds of appeal dismissed. While currently in the custody of the Tribunal in The Hague, arrangements will now be made for transfer to a third State for enforcement of sentence.

3. Mr. Tolimir was originally indicted in 2005, and remained at large until his arrest in May 2007. This case concerned one of 20 individuals in respect of whom ICTY indictments issued for crimes committed in and around Srebrenica and Žepa in 1995. With today's resolution of proceedings in the *Tolimir* case, trials have been concluded for 16 of those persons, while proceedings continue in respect of Messrs Radovan Karadžić, Ratko Mladić, Jovica Stanišić and Franko Simatović.

4. With the delivery of today's judgment, the ICTY has remained almost exactly on track for delivery of judgments as projected in its current completion strategy report. The Tribunal remains presently seized of three remaining appeals, concerning a total of 11 individuals, and four trials in respect of four individuals. On current projections, the next milestones in each respect are an appeal judgment to be delivered in June 2015 for the proceedings in the case of *Stanišić / Simatović*, and trial judgment for Radovan Karadžić to be delivered in October 2015.



Miguel de Serpa Soares
8 April 2015

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