

through ACCESSION towards JUSTICE



Humanitarian Law Center

The newsletter **through ACCESSION towards JUSTICE** will address the theme of obstacles to and solutions for establishing the rule of law and accountability for the crimes committed in our recent past. Also, it will seek to affirm, in the context of the EU accession talks, individual and societal needs arising from that experience.

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Transitional Justice as a Central Element of the Reforms in the Western Balkans Countries

An interview with Mr David McAllister, European Parliament Rapporteur on Serbia

Q: You are coming from Germany, which offers one of the positive examples of accepting responsibility for crimes committed in the past. How important was this process for German society and the building of a progressive and stable democratic country? What are the lessons to be learned from the German experience that other post-conflict societies, Serbia and other countries in the Western Balkans in particular, could benefit from?



David McAllister



Humanitarian Law Center

David McAllister: Every country has its own history and every country must find its own way of dealing with the past. The history of the Second World War, the victims and the experience of reconstruction over the last 70 years is an inherent part of German history. National Socialism and the Holocaust are a terrible burden of guilt that we bear. Coming to terms with our own past was thus an essential factor in making reconciliation possible. Of course reconciliation always needs two sides. In our case, France, for instance, was willing to extend a hand of friendship to Germany after the Second World War. Basically the European Union we have today is the product of this reconciliation.

In a wider perspective, smaller and larger partners alike must be involved in multilateral processes, and internationally recognised law must be taken as the basis for any agreements. Conflicts, in which the willingness to engage in dialogue is stretched to the limit because fundamental values and human rights are violated, strengthen our conviction that we must stand up united and determinedly for liberty and openness.

Q: What is your standpoint with regard to the issue of resolving the legacy of armed conflicts in a state which aspires to become an EU member? With this regard, do you think that the establishing of adequate mechanisms of transitional justice should be recognized as one of the important steps on Serbia's road

towards the community of the EU countries?

David McAllister: Regional cooperation and good neighbourly relations form an essential part of Serbia's process of moving towards the EU. Transitional justice represents an integral part of these principles and has been crucial in the EU accession process of Western Balkans countries.

Progress will be measured against Serbia's undertaking to resolve outstanding issues and legacies of the past, in line with international law and in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter.

Q: On March 11th 2015 the European Parliament adopted a Resolution on the 2014 Progress Report on Serbia. What is the Parliament's standpoint concerning Serbia's current endeavours to enforce reforms in the field of transitional justice, and what are the challenges which require further engagement?

David McAllister: Overall, the European Parliament appreciates the constructive approach of the Serbian Government to relations with neighbouring countries, since this has enabled substantial progress in both regional cooperation and closer relations with the European Union.

Regional cooperation and a further cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) are necessary to

strengthen domestic war crimes trials to end impunity and bring justice to the victims of war crimes and their families.

Even though the European Parliament welcomes recent efforts like the signing of the “Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict and Human Rights Abuses”, Serbia needs to strengthen its efforts in the search for missing persons. The Serbian authorities should open up the archives of the Yugoslav People’s Army in order to establish the truth of past tragic events.

Q: The Resolution commends the dedication that the Serbian government has expressed with regard to European integration. Could issues relating to attitudes towards the recent past be neglected on account of the general sense of satisfaction at the positive approach of Serbia to the EU accession process and the focusing on other important issues, such as the normalisation of relations with Kosovo?

David McAllister: The processing of the war crimes cases is an important part of EU integration. Strengthening

the rule of law, judicial cooperation in criminal matters and ensuring the protection of human and fundamental rights fall under Chapters 23 and 24. Therefore I don’t believe that issues related to attitudes towards the recent past are neglected on account of other important topics.

Q: The European Parliament pays a lot of attention to the protection and promotion of human rights. Since transitional justice mechanisms primarily refer to respect for human rights, but also because the EU does not have a strong *acquis* in the field of transitional justice, could reforms in the transitional justice area fail to be adopted?

David McAllister: The European Commission and the European Parliament have both stated in their reports that regional cooperation and good neighbourly relations form an essential part of Serbia’s process of moving towards the EU. Transitional justice is, like I mentioned earlier, a vital part of regional cooperation and reconciliation. It is also a central element of the EU efforts to bring forward the reform process of the countries in the Western Balkans and help the region achieve economic prosperity and political stability.



[news]

Transitional justice mechanisms in Serbia in the context of democratic reforms and Serbia's EU accession

A first briefing discussion with representatives of the embassies of the European Union (EU) member states, Western Balkan states and other relevant states and international organisations was held on January 23rd, 2015 in the Humanitarian Law Center (HLC) Library. The Executive Director of the HLC, Sandra Orlović, and the Legal Director, Milica Kostić, presented to the participants in the discussion the key problems relating to the harmonization of the national legislation with the EU acquis in

the areas of establishing criminal responsibility for crimes committed, respect for the rights of victims of war crimes and other violations of human rights, and institutional reforms. They also pointed to the standards, principles and regulations applied by the EU as support for the initiatives aimed at the resolution of the legacy of a violent past in its relations with other, non-EU countries. Representatives of 18

states and international organisations took part in the discussion.

With Representatives of the European Parliament on the state of Human Rights in Serbia

During their visit to Brussels in early February 2015, representatives of the Center for Advanced Legal Studies, the HLC, the Regional Minority Center, and



Meeting with David McAllister

Civil Rights Defenders talked to members of the European Parliament (EP) and representatives of the European Commission (EC) about the state of human rights in Serbia from the perspective of marginalized ethnic groups such as Roma, detained and imprisoned individuals, and of establishing accountability for the war crimes committed during the armed conflicts in the former Yugoslavia.

Among the interlocutors were Mr David McAllister, EP Rapporteur on Serbia, EP Shadow Rapporteurs Mr Ivo Vajgl and Mr Igor Šoltes, EP Vice-President Ms Ulrike Lunacek, and representatives of the EC in charge of EU enlargement, accession negotiations with Serbia on chapters 23 (judiciary and fundamental rights) and 24 (justice, freedom, and security), and EU programmes and regional cooperation in the Western Balkans.

European Parliament on Serbia's progress

On March 11, 2015, the European Parliament

adopted its annual Resolution with respect to the progress of Serbia in the process of implementing the reforms necessary for its accession to the EU. [The Resolution on the 2014 Progress Report on Serbia](#) emphasizes the importance of reconciliation and dealing with the heritage of the wars of the 1990s and recommends Serbia to enhance its transitional justice mechanisms in order to end impunity, bring justice to victims, establish the truth about the armed conflicts of the 1990s, and restore good-neighbourly relations in the region.

As in the previous reports, the EP emphasizes the importance of cooperation with the International Criminal Tribunal for the Former Yugoslavia. However, the 2014 Report suggests strengthening domestic war crimes trials, with a special accent on providing efficient witness protection in such trials.

The European Parliament continues

to support the Initiative for RECOM and the elucidation of the fate of missing persons. In its Report, the EP stresses the need to find and identify the missing persons and to locate the mass graves from the wars in Croatia, Bosnia and Herzegovina, and Kosovo by, among other things, intensifying the cooperation with neighbouring states and opening the Yugoslav National Army archives.

In the 2014 Report, the EP for the first time clearly signals to Serbia that there is an urgent need to provide the victims and their families with the right to reparations.

While the EP Resolution on the progress of Serbia was being drafted, the HLC submitted an [Amendment](#) to the proposed Draft Motion for the Resolution, concerning the need to offer stronger support to the implementation of transitional justice mechanisms in Serbia. The amendment was sent to the EP Rapporteur on Serbia,



Mr David McAllister, the Shadow Rapporteurs for Serbia, Members of the EP Foreign Affairs Committee, the EP EU-Serbia Delegation, and selected members of the Parliament. The final version of the EP Resolution, in the part which concerns the processes for dealing with the past, largely reflects the contents of the HLC's amendment.

Request to change
the Law on War
Crimes Processing

The preparation and adoption of the EP Resolution on the 2014 Progress Report on Serbia was marked by the insistence of the members of the EP from Croatia that, by changing the Law on the Organization and Jurisdiction of Government Authorities in War Crimes Proceedings (the Law), Serbia renounce its ambition to try Croatian nationals charged with committing war crimes. The members of the EP from Croatia believe that Article 3 of the Law¹ creates

a legal ambiguity for the citizens of Croatia and other EU member states, and that it is not in compliance with the EU acquis. The EP Resolution offers a compromise solution "calling on Serbia in the spirit of reconciliation and good-neighbourly relations to consider its Law on Organisation and Competence of State Authorities in War Crimes Proceedings in cooperation with its neighbours and with the Commission".

At the beginning of February 2015, Croatian Prime Minister Mr Zoran Milanović stated that, because of this Law, Croatia might block the European integration of Serbia. During subsequent contacts between Croatian and Serbian officials, this position became less

"the government authorities of the Republic of Serbia designated by this Law have jurisdiction over criminal proceedings from Article 2 of this Law concerning criminal acts committed on the territory of the former Socialist Federal Republic of Yugoslavia, regardless of the citizenship of the perpetrator or the victim of the criminal act" - the Official Gazette of the Republic of Serbia, Nos. 67/2003, 135/2004, 61/2005, 101/2007, and 104/2009

threatening, partly because of the above-mentioned suggestion contained in the EP Resolution on the 2014 Progress Report of Serbia.

AI: Serbia has made insufficient progress in prosecution of war crimes and protection of the rights of victims of war crimes

In its 2014 State of the World's Human Rights Report Amnesty International (AI) assess that, in the field of the application of transitional justice mechanisms in post-Yugoslav states, progress in the prosecution of war crimes and crimes against humanity has been very slow. The number of new indictments is still low, whilst war crimes trials in certain cases last too long. Institutions specialized in the prosecution of war crimes do not have sufficient resources and are having to deal with continuous political pressures. The

¹ Article 3 of the Law states that

countries throughout the region still deny the right to reparations to civilian victims of war, since they have not yet adopted comprehensive legislation which would regulate the status of these victims and guarantee the protection of their rights. The rights and livelihoods of family members of the disappeared are still being imperilled, owing to the absence of a law on the disappeared. And there has been no progress in the prosecution of the individuals responsible for the transfer of bodies from Kosovo to secret locations in Serbia either.

Commissioner for Human Rights: Impunity, Missing Persons, and Reparations for Victims of War Crimes are amongst key problems for Serbia

The Council of Europe Commissioner for Human Rights, Mr Nils Muižnieks, visited Serbia in March 2015 for the purpose of assessing the state of human rights in Serbia, with special attention to transitional justice processes, the fight against discrimination, and the freedom of the media. The Commissioner met with representatives

of the Serbian Government and the National Assembly of the Republic of Serbia, independent institutions, non-governmental organizations, representatives of media outlets, and international organizations.

In an official [statement](#) delivered after his visit to Serbia, the Commissioner emphasized that impunity for war crimes, missing persons, and inadequate reparations for all victims of the 1990s wars are serious issues that have not been dealt with in Serbia in a satisfactory

Croatia v. Serbia Judgment (photo: UN Photo/CIJ-ICJ/Frank van Beek)



manner. In his opinion, “of particular concern to the Commissioner is the lack of an effective system for protection of witnesses in domestic war crimes proceedings.”

ICJ: No Genocide
committed by
Croatia and Ser-
bia during War in
Croatia

The International Court of Justice (ICJ) rejected the lawsuit filed by the Republic of Croatia and the counter-lawsuit filed by the Republic of Serbia, for violations of the Convention on the Prevention and Punishment of the Crime of Genocide. The Court established that neither party committed the crime

of genocide, because the Court could not establish with certainty the intention of either party in the conflict to fully or partially annihilate either the Croatian or the Serbian populations. However, the Court established that large-scale crimes were committed against civilians with the intention to “forcefully remove” and “ethnically cleanse” the Croatian population in the regions of Eastern and Western Slavonija, Kordun, Banija, Lika, and Dalmatia, and with similar intentions against the Serbian population in the Krajina region. In its conclusion, the Judgment calls upon Croatia and Serbia to continue cooperation and use all available

means to solve the issue of missing persons and offer adequate reparation measures to the victims.

This Judgment marks the end of the long legal battle between Serbia and Croatia initiated in 1999, when Croatia filed a lawsuit against the then Federal Republic of Yugoslavia for alleged crimes of genocide committed on the territory of Knin, Eastern and Western Slavonija, and Dalmatia. In 2010, Serbia filed a counter-lawsuit, claiming that during the “Oluja” (Storm) Operation conducted in July 1995, Croatia committed the crime of genocide against ethnic Serbs from Croatia.



The Consistency of the Policy of Conditionality with the Culture of Denial

Katarina Ristić, PhD, Researcher at the University of Magdeburg

The policy of conditionality, at least in the form in which it has been applied in the former Yugoslavia, can be seen as a policy of “carrot and stick”, designed to make the reluctant governments in the region consent to cooperate with the Hague Tribunal, i.e. to arrest and extradite indicted war criminals, and to cooperate in terms of documentation, archives, legal framework and so on. This seemingly pragmatic model has required the uniform stance of the representatives of the European Union (EU) and the EU Member States for its implementation which, as evidenced by Peskin, has not always been easily achieved¹. The authorities in Serbia have lingered, delaying the arrests and extraditions of the indictees, either hoping for concessions or in fear of possible political consequences. Thus, the entire process, originally conceived as a process of dealing with the past, and initiated by the war crimes trials at the Hague Tribunal, has turned into an endless dispute, with a resolute or resigned refusal to cooperate, or even with calculations as to the current



Katarina Ristić

expediency of cooperation.

The policy of conditionality has also established a relationship of subordination which has allowed political elites in the region to present themselves as non-autonomous actors, forced to undertake actions that conflict with the principles and norms of the societies they represent. New governments, instead of becoming promoters of the rule of law and punishment of crimes, have taken advantage of foreign conditionality as a vindication and justification for cooperation. Thus, every opportunity to initiate the process of dealing with the past in the society itself has been missed. That local politicians are the primary culprits for the moral bankruptcy of the process of dealing with the

1 Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge [UK] ; New York: Cambridge University Press, 2008.)



past in Serbia has been proven in a number of studies that address the ways in which the authorities have “hijacked” justice by linking it to certain benefits such as financial aid or international recognition.¹ Still, it is interesting that there are no studies critically addressing the policy of conditionality and analysing the purposefulness, efficiency and effectiveness of this policy, bearing in mind not the accession process, but the process of dealing with the past. While the accession process, which is strictly assessing the technical fulfilment of the conditions set forth, observes cooperation with the Hague Tribunal on a formal level, the issue of how the conditions have been met is a question that is essential to the process of dealing with the past. The explicit and unequivocal distancing of government representatives from the wartime policies and the crimes committed in order to achieve the objectives of these policies, would be equally important for the process of dealing with the past. Furthermore, the fulfilment of the essential conditions set out in the accession process would require the use of the existing judgments in the public articulation of the knowledge about the crimes and the evidence pointing to the guilt or possible guilt of others accused. These conditions, which would mean the fulfilment of the essential conditions of cooperation, would allow for the inclusion of certain legal narratives into the

policy of remembrance - narratives which have been absent in all post-Yugoslav societies, thus pointing to the unwillingness of the political elites to hand over the monopoly of the creation of the public policy of remembrance to other actors, in this case the Hague Tribunal.

Yet another obvious point should be noted: without the policy of conditionality and the support of the EU, even the little that has been done in the last twenty years in Serbia would not have been accomplished. Today, one may easily forget that the extradition of Milošević and four police and army generals in Serbia was impossible in 2000, and that the price for the metamorphosis of this factual impossibility into political reality was considered too high.

Instead of fulfilling the essential terms of cooperation, the local elites have used the policy of conditionality to confirm the existing antagonism between domestic policies and foreign interests. The policy of conditionality has been well integrated into the previously established matrix of “the hostile West”, which was systematically created during the war, and reached its peak at the time of the NATO intervention. Under the assumption of historical antagonism, the West’s insistence on cooperation actually confirmed the conflict of interests and the “hostile” actions of the Western world.

Although in the game of setting and fulfilling the conditions the

1 Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans* (Belgrade Center for Human Rights, 2010)

representatives of the EU are on the other side of the stick politically speaking, the game is actually the same - it consists of bargaining, of negotiations on conditions and political agreements, while the background to these requests is completely forgotten or deliberately suppressed. This formalization at the level of the language rests on mitigation, concealment, implication, and ambiguities aimed at the concealment of crimes, moral and political responsibility, and justice for victims, with the objective of hiding the factual and moral grounds for the request for cooperation. By insisting on a formal, technical process and by substantially "forgetting" the reasons, politicians on both sides of the stick, although starting from diametrically opposing assumptions regarding the crimes, guilt and moral obligations, have smoothed down their language and accusations of war horrors in a similar manner, by the use of various means of normalization, thus transforming moral requests for transitional justice into technical issues of cooperation and fulfilment of conditions.

Furthermore, through the policy of conditionality, EU officials have allowed the local elites to disclaim responsibility for the process of dealing the past, and to present it as an external request to be complied with under duress and only formally, thus confirming the continuation of their support for the criminal policies

of the past and adherence to the standards associated with them. In this way, the perpetuation of war narratives, which in the process of accession have been viewed as unjustly suppressed rather than morally unacceptable, has been further enabled.

It seems that it is too late to create a different policy of conditionality, which would take account not only of the formal fulfilment of the conditions of cooperation, but would also deal with the substantiality of the conditions, primarily through a different formulation of the criteria set down for the fulfilment of those conditions. However, the process of dealing with the past will certainly not begin as long as the question of the past is not linked to crimes on the broader social planes of political, scientific and artistic discourse. If the public silence of politicians on the past is to be regarded as troubling but predictable, it is utterly devastating with what tranquillity of mind artists and scientists in Serbia today take note of the discovery of mass graves and the counting of corpses on the territory from Batajnica to Raška. The lethargy and moral indifference with which the public today relates to the past is partly the result of saturation with the policy of conditionality and its omnipresent formalization, which has in fact contributed to the further concealment of crimes.



[War Crimes Trials Review]

The Camp Luka Case

On March 20, 2015, the Higher Court in Belgrade handed down a decision pronouncing the accused, Boban Pop Kostić, guilty of a war crime committed against a civilian population, and sentenced him to two years in prison. In an indictment brought by the Office of the War Crimes Prosecutor of the Republic of Serbia (OWCP), he was charged with committing the crime of torture against a Bosniak civilian in the “Luka” Camp in Brčko, Bosnia and Herzegovina (B&H), on May 10, 1992, while he was a member of the First Posavina Infantry Brigade of the Army of Republika Srpska.

The Sremska Mitrovica Case

On February 5, 2015, the Higher Court in Belgrade handed down a ruling accepting the Agreement on the Admission of Guilt for committing a war crime against prisoners of war, entered into between Marko Crevar and the OWCP, and sentenced him to 18 months in prison. Marko Crevar admitted that on February 27, 1992, as a member of the militia of the Serbian Autonomous Region of Krajina (SAO Krajina), he inflicted bodily harm and tortured two prisoners of war in the collection center in Sremska Mitrovica. This is only the second such Agreement on the Admission of Guilt reached in processing war crimes trials before the courts in Serbia.

The Lovas Case

Milan Devčić and another 11 persons are being retried for a war crime against a civilian population. An indictment brought by the Office of the War Crimes Prosecutor (OWCP) alleges that the accused, at the time members of either the Yugoslav People's Army, the 'Dušan Silni' (Dušan the Great) paramilitary unit, or local authority forces, killed 41 Croatian civilians in Lovas, Croatia, in October and November 1991.

The trial proceedings for one of the accused, Aleksandar Nikolajidis, was terminated when the accused died on January 29, 2015; the Court has yet to make a decision on the separation of the trial for the accused Milan Radojčić, because of his serious health condition. During the main hearing held on February 25, 2015, the defense lawyer representing Zoran Kosijer motioned for the exemption of the War Crimes Prosecutor and the Deputy War Crimes Prosecutor assigned to the case, and the Public Prosecutor of the Republic of Serbia, expressing concern that they might not be unbiased.

The Bosanski Petrovac Case

The retrial of Nedjeljko Sovilj and Rajko Vekic for war crimes against a civilian population is ongoing. The indictment issued by the War Crimes Prosecutor charges them with the murder of a Bosniak civilian, on December 21st, 1992, in the Osoje woods located between Jazbine and Bjelaj, in the county of Bosanski Petrovac.

During the hearings held so far, the Trial Chamber have heard court-appointed medical and ballistic experts. On the basis of the documentation they had at their disposal, the experts were unable to determine the exact cause of the death of the victim or whether the injuries he sustained were caused by a single fired projectile, barrage fire, or shrapnel fragments. The Prosecutor's Case-in-Chief was continued with the repeated examination of two witnesses for the Prosecution.



The Sotin Case

Žarko Milošević and four other accused individuals are standing trial for charges of war crime committed against a civilian population. In an indictment brought by the OWCP, they are charged with the killing of 16 civilians of Croatian nationality in Sotin, Croatia, in the period from mid-October to the end of December 1991. During the investigation, the accused Žarko Milošević pleaded guilty to all counts of the indictment, showed the location of the mass grave containing the mortal remains of 13 victims and entered into an Agreement on the Testimony of the Accused.



Funeral of 11 victims found in a mass grave in Sotin (Photo: Davor Javorovic/Pixsell)

At the main hearing held on February 5, 2015, the other accused presented their defense and pleaded not guilty. As the trial has continued, the Trial Chamber have heard 12 witnesses, including witness-collaborator Žarko Milošević and former members of the Yugoslav National Army (JNA),

Territorial Defense Force, Sotin Local Community Office, Police Station, and local authorities in Sotin.

The Skočić Case

A retrial is underway in the case of Damir Bogdanović and five other individuals charged with committing of war crimes against a civilian population. The OWCP brought an amended indictment charging them with torturing, plundering, and murdering 28 Roma nationals, and the imprisonment of three individuals aged 13, 15 and 19 years, who were held captive for three months, beaten, raped, and sexually humiliated. The crimes were committed while the accused were members of the paramilitary formation called 'Simo's Chetniks' in 1992.

During the retrial, the accused pleaded not guilty. The Trial Chamber heard the testimonies of three witnesses, including one of the three surviving victims, who appeared under the alias of "Alfa", her husband, a former member of the 'Simo's Chetniks' unit, and the wife of the accused Gavrić.

The Bijeljina II Case

In the Bijeljina II Case, a trial is being held against Miodrag Živković, charged with the committing war crimes against a civilian population. The OWCP indictment specifies that the accused, together with four other individuals who have already been tried for the same crime and sentenced under legally binding court decisions, as member of a volunteer unit, killed one Bosniak civilian and repeatedly raped and sexually abused his daughter and daughter-in-law in June 1992.

Upon the completion of the Prosecutor's Case-in-Chief and the presentation of closing arguments, the Trial Chamber rendered a judgment on April 14th, 2015 acquitting the accused of all charges due to the lack of evidence.

The Trnje Case

The main hearing began on February 24, 2015. In the presentation of their defense, the accused denied committing the war crimes. The trial scheduled for March 27, 2015, was not held, owing to the fact that the General Staff of the Army of the Republic of Serbia failed to submit to the Court all of the requested documents which, in the words of the defense attorney of one of the accused, Pavle Gavrilović, were necessary so that he could properly question his client. The next hearing is scheduled for April 28, 2015.

The Gradiška Case

The trial of Goran Šinik is underway for crimes committed against a civilian population in B&H. According to the indictment brought by the OWCP, Šinik, at that time member of the Army of Republika Srpska, killed a civilian of Croatian nationality on September 2, 1992, in Bok Jankovac, B&H.

The accused did not appear for the main hearing owing to a serious health condition, and the course of further proceedings will be determined by the Trial Chamber following the examination of his medical records.



The Prizren Case

In the retrial of Marko Kashnjeti, on June 21 2013, the Higher Court in Belgrade pronounced Kashnjeti guilty of war crimes against a civilian population and sentenced him to two years in prison. In the explanation of its decision, the Trial Chamber found Kashnjeti guilty because, on June 14, 1999, as a member of the Kosovo Liberation Army and armed with an automatic rifle, he stopped a vehicle carrying two men of Serbian nationality, searched them, took their identification documents, hit one of the civilians on the head with his rifle butt, tied them up and locked them in the backyard of a nearby house. Several hours later, he took them outside Prizren and ordered them to go to Serbia.

The main hearing in the appellate proceedings held before the Court of Appeal in Belgrade began on March 7, 2014, and was finalized on March 6, 2015. The Court of Appeal opened the main hearing, during which the parties in the proceedings stated their defense and the Trial Chamber questioned the court-appointed expert who had conducted an anthropological expertise in the first-instance trial. The parties will be notified of the Court's decision in the upcoming period.

Preliminary hearings closed to the public were held in the Ljubenić and Bosanski Petrovac – Gaj Cases.


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