ICTY – 19 years later:

A critical review

Tea Šulentić

Faculty of law, University of Zagreb

Time

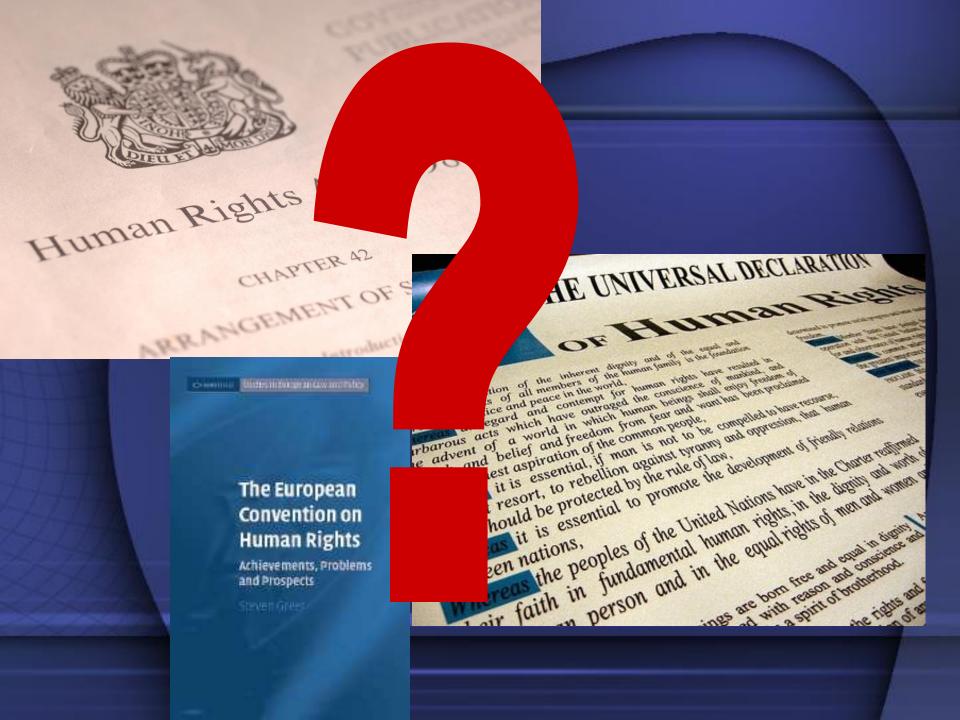
- years and years of processing
- collision of defendant's rights
- Šešelj case 9 years in custody without a verdict
- S. Brammertz: "Šešelj case is not a successful story"



Vojislav Šešelj performing in Hague

Article 6 of the European Convention on Human Rights

• 1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.



Sentencing

- a slap on the wrist of the offender is a slap in the face of the victims
- life in prison 5 persons (Popović, Beara "Srebrenica", Lukić "Višegrad", Stakić "Prijedor", Stanislav Galić)
- more than 30% 10 or less

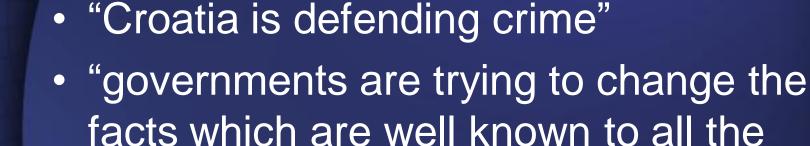


- mitigating circumstances: remorse, voluntary surrender
- detailed guidelines a missed opportunity
- "ordinary sentences for extraordinary crimes"

Joint criminal enterprise

- is a legal doctrine used by the ICTY to prosecute political and military leaders for war crimes committed during 'Yugoslav wars'
- parallel indictments

- amicus curiae is someone, not a party to a case, who volunteers to offer information to assist a court in deciding a matter before it
- the decision on whether to admit the information lies at the discretion of the court



reasonable participants"

