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News From the International Criminal Tribunals

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NEWS FROM THE INTERNATIONAL CRIMINAL TRIBUNALS

Part II—ICTY*

by Cecile E.M. Meijer and Amardeep Singh**

General

Proceedings

By December 31, 2000, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY), in its seventh year of existence, had completed four trials on the merits, namely the *Erdemović*, *Tadić*, *Aleksovski*, and *Furundžija* cases. The Trial Chamber had completed a total of eight trials on the merits: the *Čelebići*, *Jelić*, *Kupreškić*, and *Blaškić* cases, in addition to the aforementioned cases that were subsequently decided on appeal. Three additional trials came to an end in 2000, but no judgements were rendered during that year: in June 2000, the Appeals Chamber heard the appeals in the *Čelebići* case, while proceedings before the Trial Chamber were completed in the *Kunarac*, *Kovać and Vuković* trial in November 2000, and closing arguments in the *Kordić and Cerkez* trial were heard in December 2000. As of December 31, 2000, on-going trials on the merits included the *Kvočka*, *Kos*, *Radić*, *Zigic and Prcać* case (Trial Chamber I), the *Krstić* case (Trial Chamber I), and the *Krnjelac* case (Trial Chamber II).

Indictments and Arrests

At the close of the year 2000, the ICTY had a total of 26 public indictments, involving 65 persons. Of those accused, 34 were in detention at The Hague, 4 were provisionally released, and 27 persons were still at large.

During the same year, five suspects were arrested by SFOR (NATO Stabilization Force) on charges pending before the ICTY: *Vasiljević*, *Prcać*, *Krajišnik*, *Nikolić*, and *Sikirica*. In addition, Naletilić was deemed healthy enough to allow for his transfer from Croatia to the UN Detention Unit in The Hague. Given the nature of the charges against Prcać, the Trial Chamber decided to join his case with the *Kvočka et al.* case that had just started, which meant that Prcać went to trial almost immediately following his transfer to The Hague.

Ad Litem Judges

In May 2000, ICTY President Judge Jorda presented to the Security Council a report that reflects, *inter alia*, on the consequences of, and the possible solutions to, the increased workload at the tribunal. The Security Council responded to these needs in its Resolution 1329 of November 30, 2000, and, acting under Chapter VII of the UN Charter, decided, *inter alia*, to create a pool of *ad litem* judges for the ICTY and to enlarge the membership of the Appeals Chambers to include judges of the International Criminal Tribunal for Rwanda (ICTR). To accomplish this, the Security Council amended and replaced the relevant articles in the ICTY Statute and the ICTR Statute.

With regard to the *ad litem* judges for the ICTY, the ICTY Statute now provides that the General Assembly will elect 27 *ad litem* judges upon nominations from UN Member States. The pool of 27 *ad litem* judges is elected for four years. The UN Secretary General will appoint from among this group, upon the request of the ICTY's President, *ad litem* judges "to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years." There is a maximum at any one time of nine such *ad litem* judges that can serve at the ICTY. A Trial Chamber can have up to six *ad litem* judges at any one time, in addition to its three permanent judges.

Trial Chambers

Kupreškić Judgement

On January 14, 2000, Trial Chamber II issued its judgment in the case *Prosecutor v. Kupreškić et al.*, Case No. IT-95-16-T,

involving Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Vladimir Šantić, and Dragan Papić. The accused, all Bosnian-Croats, were charged with regard to their alleged role leading to and during an attack on the Muslim civilian population of the Bosnian village of Ahmići on April 16, 1993. Ahmići is located in central Bosnia and is of mixed Muslim and Croat heritage. The attack resulted in the massacre of 116 inhabitants of the village, 24 people wounded and the destruction of 169 houses and two mosques.

The Trial Chamber found the massacre was a "well-planned and well-organised" attack by Croat forces against Muslim civilians to expel all Muslims from Ahmići. Zoran and Mirjan Kupreškić were both found guilty of persecution as a crime against humanity. Zoran was sentenced to ten years imprisonment, and Mirjan was sentenced to eight years imprisonment. Vlatko Kupreškić was found guilty of aiding and abetting persecution as a crime against humanity and sentenced to six years imprisonment. Drago Josipović and Vladimir Šantić were both found guilty of persecution, murder, and other inhumane acts as crimes against humanity. Josipović was sentenced to 10, 15, and 10 years imprisonment, to be served concurrently, *inter se*; Šantić was sentenced to 25, 15, and 10 years imprisonment, also to be served concurrently, *inter se*. All those convicted received credit for time served. Dragan Papić was found not guilty of persecution as a crime against humanity and was released immediately.

Factual Findings

The Trial Chamber began by addressing background events that led to the April 16, 1993, massacre. Among other things, the Trial Chamber declined to characterize the conflict between the Croats and Muslims as an international or internal armed conflict because the indictment contained no accusations of grave breaches of the Geneva Conventions, which require proof of an international armed conflict.

Further, the Trial Chamber found tensions between Muslims and Croats in the region rapidly escalated in 1992, and resulted in a "policy of discrimination" by both groups against the other. The Trial Chamber looked extensively at the facts surrounding the events of April 16, 1993, in Ahmići and found that the massacre was a planned attack carried out by Croat forces against the Muslims civilians of Ahmići for the purpose of "ethnic cleansing." Specifically, the Trial Chamber found that the object of the attack was to "destroy as many Muslim houses as possible, to kill all the men of military age, and thereby prompt all the others to leave the village and move elsewhere." In addition, the Chamber found the attack constituted a form of "personalised violence," i.e., "violence directed at specific persons because of their ethnic identity."

Findings of Law

Tu Quoque Principle

The Trial Chamber addressed the validity of the *tu quoque* principle as a defense to accusations of breaches of International Humanitarian Law (IHL). In examining this principle, the Tribunal looked specifically at the proposition that "breaches of international humanitarian law, being committed by the enemy, justify similar breaches by a belligerent." In strong language, the Trial Chamber rejected the validity of the *tu quoque* principle, stating that it is "fallacious and inapplicable" in IHL. The Trial Chamber stated that most IHL "lays down absolute obligations, namely obligations that are unconditional or in other words not based on reciprocity." The Tribunal found not only support for this in Common

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Article 1 of the Geneva Conventions, but also in the development of IHL rules into obligations owed to the entire international community as a whole, “designed to benefit individuals *qua* human beings.” The Chamber also pointed out that the *tu quoque* defense was raised in war crimes trials following World War II but “was universally rejected.” In addition, the Chamber stated that most IHL norms, particularly those pertaining to war crimes, crimes against humanity, and genocide, are peremptory norms of international law or *ius cogens*, and thus are non-derogable. Consequently, the *tu quoque* defense can never be valid because obligations of IHL are not dependent upon any other party’s conduct.

Crimes Against Humanity and Persecution

The Trial Chamber also analyzed the elements of a crime against humanity within the meaning of Article 5 of the ICTY Statute. With regard to the element that the alleged crime must be part of a widespread or systematic occurrence directed against a civilian population, the Trial Chamber held that the meaning of the term “civilian population” should be construed liberally. Furthermore, following previous ICTY jurisprudence, the Tribunal acknowledged that even a single act can amount to a crime against humanity, provided it was committed within a widespread or systematic context.

According to the Trial Chamber, the law regarding the *mens rea* of a crime against humanity is not yet settled but appears to be “the *intent* to commit the underlying offence, combined with . . . *knowledge* of the broader context in which that offence occurs.”

The Trial Chamber also discussed the scope of “other inhumane acts” as crimes against humanity under Article 5(i) of the ICTY Statute. The Tribunal stated that this category was meant as a residual category, and that its manifestations were not exhaustively enumerated. To qualify under this category any such acts should be as serious as the other acts enumerated under Article 5 of the ICTY Statute. For the identification of such crimes, resort may be made to international human rights law instruments.

The Trial Chamber spent considerable time discussing persecution within the meaning of Article 5(h) of the ICTY Statute. In particular, it addressed the issues of whether persecution must be charged in connection with other crimes in the Statute, as well as what the *actus reus* of persecution is, and how to define it. As for the first issue, the Trial Chamber held that no link is required between persecution and other crimes found in the Statute. The Chamber reasoned that the development of customary rules concerning crimes against humanity, as evidenced by, *inter alia*, Control Council Law No.10, national legislation, case law, international treaties such as the Convention on Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, as well as the *Tadić* Appeals on Jurisdiction case, indicated that the required nexus between crimes against humanity and war crimes had been eliminated.

Regarding the issue of what constitutes the *actus reus* of persecution, the Tribunal looked at case law of several international and national criminal tribunals. It found that their interpretation of persecution, which included acts already covered by other types of crimes against humanity, was reflective and indicative of persecution within the context of customary international criminal law. The Trial Chamber concluded that “acts enumerated in other sub-clauses of Article 5 can thus constitute persecution.” Moreover, the Trial Chamber concluded that “persecution can consist of the deprivation of a wide variety of rights,” including attacks on political, social and economic rights. Thus, a “persecutory act need not be prohibited explicitly either in Article 5 or elsewhere in the Statute,” or even be illegal under domestic law. Finally, the Tribunal held that persecution is usually understood as a series of acts that are part of a policy and a certain context; thus,

persecutory acts must be “examined in their context and weighed for their cumulative effect.” However, the Tribunal also acknowledged that a single act can constitute persecution if, among other things, the perpetrator’s discriminatory intent has been proved.

The Trial Chamber searched for “clearly defined limits on the types of acts which qualify as persecution” as a crime against humanity and arrived at the following definition of persecution: “the gross or blatant denial, on discriminatory grounds, of a fundamental right, laid down in international customary or treaty law, reaching the same level of gravity as the other acts prohibited in Article 5.”

Cumulation of Offenses

Another legal issue the Trial Chamber dealt with was whether an accused may be charged and convicted with two or more distinct crimes for the same transaction or event. The Trial Chamber, citing the U.S. Supreme Court pronounced in *Blockburger v. U.S.*, stated the Prosecutor may cumulatively charge an accused where “each offence contains an element not required by the other. If so, where the criminal act in question fulfils the extra requirements of each offence, the same act will constitute an offence under each provision.” The Chamber held that where the *Blockburger* test fails, and the elements of one offense fall entirely within the elements of another offense with additional elements not contained in the first offense, then the principle of *lex specialis* requires that the accused only be charged with the more specialized offense.

The Trial Chamber applied these tests to several scenarios, including whether an accused may be charged with inhumane acts as a crime against humanity and cruel treatment as a war crime for the same act. The Chamber held that because inhumane acts as a crime against humanity contain the additional element of a widespread or systematic practice, but that otherwise the two crimes have the same elements (in other words, as a war crime no different element is required), the principle of *lex specialis* requires that the more specialized inhumane acts as crimes against humanity only be charged, or that both crimes be charged in the alternative.

Applying the above principles, the Tribunal found Drago Josipović and Vladimir Šantić not guilty of murder and cruel treatment as a violation of the laws or customs of war, because they had been convicted of the more specialized crimes of murder and inhumane acts as a crime against humanity.

Blaškić Judgement

On March 3, 2000, the Trial Chamber issued its judgement in *The Prosecutor v. Tihomir Blaškić*, Case-No. IT-95-14-T, after a lengthy two-year trial. General Blaškić was indicted in his capacity as commander of the Croatian Defence Council (HVO) for atrocities committed against Bosnian Muslims between May 1992 and January 1994, in Bosnia and Herzegovina, particularly in the Lašva Valley region. Specifically, Blaškić, in his capacity as commander of Bosnian Croat forces, was charged with six counts of grave breaches of the Geneva Conventions, eleven counts of violations of the laws or customs of war (of which the Prosecution withdrew one), and three counts of crimes against humanity. The alleged crimes included, *inter alia*, persecution, unlawful attacks upon civilians and civilian objects, willful killing and serious bodily injury, as well as destruction and plunder of property.

Blaškić was commander of the HVO armed forces headquarters in central Bosnia during the time period covered by the indictment (in mid-1994 he was promoted to General). In his capacity as military commander, Blaškić was accused of having “planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution” of the crimes alleged, pursuant to Article 7(1) of the ICTY Statute (individual criminal responsibility). He was not accused of hav-

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ing personally committed the alleged crimes. In addition, or in the alternative, and pursuant to Article 7(3) of the ICTY Statute, Blaškić was accused of having known or having had reason to know that his subordinates were preparing to commit the crimes outlined in the indictment, or that they had already committed them, and he had done nothing to prevent the crimes from being committed or to punish the perpetrators (superior or command responsibility).

In its statement of the applicable law, the Trial Chamber began by addressing two key issues that are necessary for the applicability of Article 2 of the ICTY Statute (grave breaches): the international nature of the armed conflict and the status of the victims as protected persons. The Trial Chamber concluded that the armed conflict was international in character, based on the direct and indirect intervention by Croatia in the conflict at the relevant time and place. Once again it applied the “overall control” test, enunciated in the *Tadić* Appeals Judgement, to the circumstances of the case. Similarly, the Trial Chamber followed the *Tadić* Appeals Judgement to determine that the victims were protected persons. The Tribunal stated that “[i]n an inter-ethnic armed conflict, a person’s ethnic background may be regarded as a decisive factor in determining to which nation he owes his allegiance and may thus serve to establish the status of the victims as protected persons.” Considering the main purpose and goal of the Geneva Convention, however, it is actual relations and not formal ties that must be regarded in determining a protected status.

The Trial Chamber also addressed the scope and elements of Article 3 of the ICTY Statute (violations of the laws or customs of war) as well as the material elements and *mens rea* required for crimes against humanity within the meaning of Article 5 of the ICTY Statute. It elaborated on the meaning of a ‘widespread or systematic attack directed against the civilian population,’ and discussed the elements of murder, persecution, and other inhumane acts as crimes against humanity, with which Blaškić had been charged.

Because Blaškić, as a military commander, had been charged with both individual criminal responsibility and superior responsibility, the Tribunal examined Article 7(1) and 7(3) of the ICTY Statute. After the *Čelebići* case, this was the second time that an ICTY Trial Chamber had to address the crucial legal concept of superior responsibility.

As far as the accused’s liability under Article 7(1) of the Statute is concerned, the Trial Chamber discussed the legal definitions of the different modes of participation. The Trial Chamber first discussed the applicable *mens rea* for Article 7(1) of the Statute and held that the *mens rea* for one who plans, instigates, or orders the commission of a crime is that “he directly or indirectly intended that the crime in question be committed.” The Chamber made note that in general, “a person other than the person who planned, instigated or ordered” the crime is the one who usually perpetrates the *actus reus* of the crime. Therefore, the person perpetrating the crime must be doing so “in furtherance of a plan or order.”

The Trial Chamber then defined the terms “planning” and “instigating.” Quoting the *Akayesu* Judgement of the ICTR, the Trial Chamber stated that “planning implies that ‘one or several persons contemplate designing the commission of a crime at both the preparatory and execution phases.’” This may be proven with direct or circumstantial evidence. The Trial Chamber also concurred with *Akayesu* regarding the scope of “instigating,” which involves “prompting another to commit an offence.” Thus there must be proof of a “causal connection” between the instigation and perpetration of the crime.

Finally, the Trial Chamber defined the *actus reus* and *mens rea* for aiding and abetting. Agreeing with the Trial Chamber in *Furundžija*, the *Blaškić* Trial Chamber quoted it as stating that “the *actus reus* consists of practical assistance, encouragement, or moral support which has a substantial effect on the perpetration of the crime.” The *Blaškić* Trial Chamber

further held that the *actus reus* of aiding and abetting may occur through an omission, as long as the “failure to act had a decisive effect on the commission of the crime.” The aider and abettor’s *mens rea* consists of “knowledge that his acts assist the commission of the crime,” and, additionally, he must have “intended to provide assistance, or as a minimum, accepted that such assistance would be a possible and foreseeable consequence of his conduct.” Again quoting *Furundžija*, it is sufficient that the aider and abettor knows that “one of a number of crimes will probably be committed.”

Blaškić was charged in addition, or in the alternative, with liability under Article 7(3) of the Statute which states that an accused may be held liable for the acts of a subordinate where the accused “knew or had reason to know that the subordinate” was about to commit a crime under the Statute or had already committed the crime, and the accused failed to take the “necessary and reasonable measures” to either prevent the crime or punish the perpetrators. Concurring with the Trial Chamber decisions in the *Čelebići* and *Aleksovski* cases, the Tribunal held that Article 7(3) consists of three elements: “(1) there existed a superior-subordinate relationship between the commander (the accused) and the perpetrator of the crime; (2) the accused knew or had reason to know that the crime was about to be or had been committed; and (3) the accused failed to take the necessary and reasonable measures to prevent the crime or punish the perpetrator thereof.”

With regard to the first element—the existence of a superior-subordinate relationship—the Chamber agreed with the Trial Chamber in *Čelebići* and held that a position of command need not merely be *de jure*, but may be *de facto* as well; as long as the superior has “effective control” over the perpetrators, the requirements of the first element will be met. By “effective control,” the Trial Chamber, quoting *Čelebići*, stated that it meant that the superior should have the “material ability to prevent and punish the commission” of the crimes. It is, therefore, not necessary that the commander have legal authority over the perpetrator.

With regard to the *mens rea* required for liability under Article 7(3), the Trial Chamber made a distinction between “actual knowledge” and “had reason to know.” With regard to “actual knowledge,” the Trial Chamber held this may be proved through direct or circumstantial evidence. To delineate the meaning of “had reason to know,” the Trial Chamber analyzed post-World War II case law and Additional Protocol I. It concluded that “if a commander has exercised due diligence in the fulfillment of his duties yet lacks knowledge that crimes are about to be or have been committed, such lack of knowledge cannot be held against him.” The Trial Chamber furthermore held that if a commander is ignorant of crimes being committed by subordinates because of “negligence in the discharge of his duties,” then the commander “had reason to know” for purposes of Article 7(3) of the ICTY Statute.

Finally, with regard to the element of whether the commander took reasonable measures to prevent the commission of the crime, the Trial Chamber held that it is the commander’s “degree of effective control, his material ability” that will determine the extent to which he will be held responsible for taking action against perpetrators, or preventing the commission of crimes.

Next, the Trial Chamber analyzed the facts pertaining to what happened in the Lašva Valley between May 1992 and January 1993. It also examined extensively the facts regarding several attacks on different municipalities in Central Bosnia during the course of 1993, and focused in particular on Blaškić’s criminal responsibility as a military commander. The Tribunal concluded it was proved beyond all reasonable doubt that Blaškić had ordered attacks targeting the civilian Muslim population. Accordingly, the Tribunal held him criminally liable for the crimes committed during such attacks.

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The Trial Chamber also concluded that Blaškić, as commander, had failed “to take the necessary and reasonable measures which would have allowed these crimes to be prevented or the perpetrators thereof to be punished.”

The Trial Chamber found Blaškić guilty on all counts except one (the shelling of Zenica), and sentenced him to 45 years in prison, with credit for time already served.

Part III—ICTR*

Appeals Chamber

Kambanda Judgement

In *Jean Kambanda v. The Prosecutor*, dated October 19, 2000, Case No. ICTR 97-23-A, the Appeals Chamber rendered judgement on the appeal by Rwanda’s former prime minister Jean Kambanda against the Trial Chamber’s judgement and sentence of September 4, 1998. Specifically, the Trial Chamber had sentenced Kambanda to life imprisonment after he pled guilty to four counts of genocide, which included genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and complicity in genocide, as well as to two counts of crimes against humanity for murder and extermination. In a Consolidated Notice of Appeal, Appellant advanced in total eight grounds of appeal challenging, *inter alia*, his guilty plea and the sentence imposed by the Trial Chamber. Specifically, the Appeals Chamber was asked to quash the guilty verdict and order a new trial, or, should that fail, to revise the sentence. The Appeals Chamber unanimously rejected all grounds of appeal and affirmed both Kambanda’s conviction on all counts and the sentence of imprisonment for the remainder of his life.

In the first ground of appeal, Kambanda alleged that he was denied the right to be defended by counsel of his choice. The Appeals Chamber rejected this ground of appeal, holding that the Appellant should have brought this issue to the attention of the Trial Chamber judges, and that Appellant had waived his right by not so doing. Also, the Tribunal concluded no special circumstances had been shown regarding his attorney’s incompetence, which would have justified an exception to this waiver principle. The Appeals Chamber also rejected the second ground of appeal, which contested the legality of his detention in Tanzania outside the Tribunal’s Detention Unit. The Appeals Chamber reiterated the aforementioned general principle of waiver unless exceptional circumstances are shown.

Kambanda’s third ground of appeal concerned the validity of his guilty plea. Specifically, the Appellant claimed that the Trial Chamber erred in not examining whether the plea was voluntary, informed and/or unequivocal, and failed “to ascertain appropriately whether the guilty plea was based on sufficient facts for the crimes alleged and the accused’s participation in them.” Although the Appeals Chamber could have decided this issue by finding that Appellant had waived his rights by not raising them before the Trial Chamber, the Appeals Chamber stated “as this is the Chamber of last resort for the Appellant facing life imprisonment on the basis of his guilty plea, and as the issues raised in this case are of general importance to the work of the Tribunal, the Appeals Chamber deems it important to consider the question of the validity of the guilty plea.”

In analyzing the validity of the guilty plea, the Appeals Chamber followed the standards expressed in the Joint Separate Opinion of Judges McDonald and Vohrah in the *Erdemović* appeal, which had been adopted by the majority of the Appeals Chamber in that same case. In this context, the Tribunal examined whether Kambanda’s guilty plea was voluntary, informed and unequivocal, and concluded that all of these requirements had been satisfied.

With respect to the “voluntary” requirement, the Tribunal followed the standard set forth in *Erdemović*, and held that “the conditions for accepting a plea agreement are firstly that the person pleading guilty must understand the consequence of his or her actions, and secondly that no pressure must have been brought to bear upon that person to sign the plea agreement.” The Appeals Chamber found no arguments of mental incompetency or failure to understand the consequences of his guilty plea on Kambanda’s part. In addition, it noted Appellant did not claim any prohibited threat or inducement that had led Kambanda to plead guilty.

As for whether the guilty plea was “informed,” the Appeals Chamber agreed with the Appellant and the Prosecution that the proper standard was articulated in *Erdemović*, “such that the accused must understand the nature of a guilty plea and the consequences of pleading guilty in general, the nature of the charges against him, and the distinction between any alternative charges and the consequences of pleading guilty to one rather than the other.” In this case the Appellant was found to be informed.

The Appeals Chamber also agreed with the standard established in *Erdemović* that “[w]hether a plea of guilty is equivocal must depend on a consideration, *in limine*, of the question whether the plea was accompanied or qualified by words describing facts which establish a defence in law.” The Appeals Chamber noted that neither the court transcripts nor the allegations put before the Tribunal showed that the Appellant had persistently tried to explain his actions or that he raised any defenses. It also noted the Trial Chamber had explicitly questioned Kambanda to verify the validity of his guilty plea according to the standards set forth in *Erdemović*. In conclusion, the Appeals Chamber found no merit in the claim that Kambanda’s guilty plea was not unequivocal.

Finally, the Appeals Chamber rejected Appellant’s contention that the Trial Chamber failed to satisfy itself that the guilty plea was based on sufficient evidence of the crime and Kambanda’s participation in it. The Appeals Chamber reasoned that the Prosecution and the Appellant had explicitly agreed on the facts in their mutual Plea Agreement on which the guilty plea was based. The Tribunal denied the third ground of appeal.

The remaining five grounds of appeal each concerned arguments that the Trial Chamber erred in the sentencing. The Appeals Chamber examined whether imposing a single sentence for multiple convictions was allowed and appropriate. Based on the wording of the ICTR Statute, practice of the International Military Tribunal in Nuremberg, as well as ICTR and ICTY jurisprudence, the Tribunal answered both questions in the affirmative. The Tribunal also addressed Appellant’s assertions that “the Trial Chamber erred in law in failing to properly take certain mitigating circumstances into account.” Examining the Trial Chamber’s judgement, however, the Appeals Chamber found the Trial Chamber “clearly considered each of the above factors put forward by the Appellant in mitigation in reaching its decision and as required in the Statute and Rules and therefore to this extent did not commit an error of law.” Furthermore, the Appeals Chamber looked at the weight that must be attached to mitigating factors and held that such determination lies within the Trial Chamber’s discretion. Given the serious nature of the crimes, the Appeals Chamber considered life imprisonment to fall “within the discretionary framework” of the ICTR Statute and Rules. Thus, these five grounds of appeal also were found to be without merit. ☹

* Volume 8, Issue 1 of the Human Rights Brief covered the Appeals Chamber of the ICTY. Volume 8, Issue 3 of the Human Rights Brief will cover the remaining 2000 jurisprudence of the ICTR and some recent case law from the ICTY.

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