

## **Briefly Noted**

**Author:** IWPR

Compiled by Alison Freebairn in The Hague (TU No 365, 02-Jul-04)

In a statement, tribunal president Theodor Meron called Judge May, who died on July 1, as “one of [our] shining lights” and recalled that “he impressed all who encountered him with his extraordinary intellect, his dedication to his work, his charm and his sense of humour”.

Judge May served at the tribunal from 1997 to 2004, heading the court’s influential Rules Committee and guiding the Milosevic case through the prosecution phase of the trial.

He was known for maintaining firm control over his courtroom, and skilfully balancing the rights of the accused and the expeditious administration of justice. (See TU no 349 - Tribunal Loses “Masterful” Judge) 22 Mar 04 | TU No. 349

Expressing his sadness at Judge May’s passing, Judge Meron wrote, “The international community has lost one of its strongest champions in the fight to end impunity for persons who commit serious violations of international humanitarian law.”

Judge May is survived by his wife and three children.

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Mirko Norac, the former Croatian general indicted by the tribunal in May, is set to make an initial appearance in court on July 8.

He has been charged with crimes against humanity and violations of the laws or customs of war - both in his capacity as an individual and a commander - stemming from the Croatian army’s September 1993 attacks on Serb civilians in the Medak Pocket.

In a strange twist, Chief Prosecutor Carla Del Ponte asked the tribunal on June 24 not to summon Norac to The Hague for two reasons.

First, she said, she plans to refer Norac’s case back to the Croatian courts, a process allowed under the tribunal’s Rule 11 bis. And second, she has asked that his case be joined to that of Rahim Ademi, who is also accused of crimes committed in the Medak Pocket.

“It is unnecessary at this stage, in terms of the interests of justice” to bring Norac to The Hague until these two matters are resolved, she insisted.

But the judges did not agree.

In a June 30 decision, they insisted that Norac’s appearance before the tribunal was necessary to ensure his rights were being respected. Specifically, they want to determine that he understands the indictment, is able to enter a plea and knows he has the right to counsel.

In addition, they said, “It is completely speculative and premature for the prosecutor to assume at this stage of the proceedings, before a motion for referral has even been filed and much less decided upon by the Chamber, that a case against the accused will eventually be referred to ... Croatia.”

In a separate order, the judges asked the Croatian authorities to detain Norac - who is currently serving a 12-year prison sentence in Croatia for crimes committed against Serb civilians in Gospic - and escort him to The Hague for his court appearance.

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The government of the Netherlands has been given six weeks to respond to a demand for compensation for victims of the Srebrenica massacre, or it will be taken to court.

Mostar-based lawyer Semir Guzin told the media that he had officially handed a request for some two billion euro to the Dutch government in The Hague. If it wasn’t accepted, court proceedings would follow, he warned.

More than 7,000 Muslim men and boys were killed after Bosnian Serb forces overran what was supposed to be a United Nations safe haven in July 1995. The enclave was under the protection of a lightly-armed Dutch battalion at the time, which was roundly criticised for not doing more to prevent the worst massacre

in Europe since the Second World War.

Around 50 women from Srebrenica accompanied the legal team from Mostar, and held a peaceful protest outside the Dutch government buildings. They carried a white banner inscribed with the names of murdered relatives, and handed out leaflets to passers-by.

The Netherlands has long wrestled with its sense of complicity in the Srebrenica tragedy. In 2002, the government resigned en masse after a report blamed politicians for setting Dutchbat an impossible task in trying to protect the enclave.

The Dutch authorities had not responded to the request for an out-of-court settlement, or to the visit from the women of Srebrenica, as IWPR went to press.

Alison Freebairn is an IWPR editor in The Hague.

**Location:** Croatia

**Focus:** International Criminal Tribunal for the former  
Yugoslavia

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