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André KLIP and Göran SLUITER (eds.)



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PREFACE

This is the twenty-seventh volume in the series “Annotated Leading Cases of International Criminal Tribunals” and contains the most important decisions of the International Criminal Tribunal for the former Yugoslavia (ICTY) from 29 February 2005 up to and including 16 November 2006. It is the twelfth volume containing decisions of the ICTY, indicating the abundant production of that institution.

The present volume is in its approach and structure similar to the previous volumes. Thus, the book contains the full text of all the decisions and judgements, including separate, concurring and dissenting opinions, as well as annexes to the decisions. As with the previous volumes, the editors have ensured that the decisions are fully identical to the *written* original text, as issued by the ICTY Press and Information Office and which bears the signatures of the judges. We are aware that more and more decisions are available on the internet. However, only the written decisions bearing the signatures of the judges can be considered as authoritative versions. In the course of our editorial work on this and previous volumes, we have discovered inconsistencies between the written original version of the decision and the internet version, if the latter is available at all. Much of our editorial efforts consist in making the texts in this series identical to the written original version.

We could only include the full text of the decisions in this volume by reducing their original format. Still, we wanted the reader to be able to identify the page number of the original text, which is throughout the text put in brackets []. We are again very happy that a number of scholars in the field of international criminal law were prepared to write interesting and stimulating commentaries regarding the decisions.

A few words regarding the selection of decisions may give the user insight into our working method. In principle, we select all final judgements. In addition, we publish decisions taken at any stage of the procedure that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision or because they enter new legal waters. Of course, we cannot publish all decisions. As a result, we may not publish decisions in which issues have been decided in a way similar or identical to a decision that has already been selected.

The decisions are presented in different parts and under different headings.

Part 1, ‘Preliminary Matters’, contains several decisions on jurisdiction and indictment issues.

Part 2, ‘Procedural Matters’, is divided into several different sections. It contains chapters on provisional release, counsel, contempt, joinder and aspects of the right to a fair trial, admissibility of and access to evidence, subpoena to witnesses and Rule 11bis referral.

Part 3, ‘Judgment and Sentencing’, contains a decision on appeal of a motion for acquittal, the trial judgment in the Halilovic case and three judgments on sentencing appeal.

We owe acknowledgements to many people without whom we could not have completed this twenty-seventh volume. These include the Press and Information Office of the ICTY, which offered generous assistance in obtaining all the hard copies of decisions. Our publisher Intersentia, in particular Hans Kluwer, Tom Scheirs and Isabelle van Dongen, facilitated our work. We also acknowledge the work of our student assistants, Mariam Pathan (Maastricht) and Robbert-Jan Winters (Amsterdam), who assisted with the corrections of the text and without whom we would not be able to publish this series. The Netherlands School of Human Rights Research stimulated our work. Steven Freeland from the University of Western Sydney, Australia, offered tremendous help by correcting our English. Last but not least, we wish to thank the distinguished authors of for their commentaries on the decisions.

We hope that this volume will contribute to the further dissemination of the important work of the ICTY and that it will provide access to its decisions to practitioners, academics and students.

André Klip and Göran Sluiter
Maastricht/Amsterdam, February 2011