HAGUE CASE LAW – LATEST DEVELOPMENTS[1]

International Court of Justice

(1) *Case Concerning Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*

On 3 February 2009, the ICJ rendered its judgment in a dispute between Romania and Ukraine and established a single maritime boundary delimiting the continental shelf and the exclusive economic zone between the two states. The dispute had been submitted to the ICJ by Romania on 16 September 2004 under a compromissory clause contained in the Additional Agreement, which both states had signed pursuant to Article 2 of the 1997 bilateral Treaty on Good Neighbourliness and Co-Operation. The Court unanimously established the maritime delimitation by reference to Articles 74 and 83 of the United Nations Convention on the Law of the Sea and held that there were no circumstances, including the presence of the Serpents' Islands, that called for an adjustment of the provisional equidistance line for reasons of equity.

International Criminal Tribunal for the Former Yugoslavia

(1) *The Prosecutor* v. *Haraqija, Morina*

On 17 December 2008, the Trial Chamber of the ICTY found Haraqija and Morina guilty of contempt of the Tribunal and sentenced them to five months' and three months' imprisonment respectively. Haraqija was the Kosovo Minister for Culture, Youth and Sport and co-founder of the 'Defence Committee for Ramush Haradinaj'; Morina was an employee of the Ministry. The Trial Chamber held that Haraqija had instructed Morina to intimidate one of the witnesses in the Haradinaj trial so that he would not testify before the Tribunal. Haradinaj, the former Prime Minister of Kosovo, was acquitted by Trial Chamber I on 3 April 2008. The Trial Chamber had noted that it had encountered significant difficulties in securing testimonies from a large number of witnesses during that trial.

1. Through: <www.icj-cij.org/>; <www.un.org/icty/>; <www.un.org/ictr/>; <www.pca-cpa.org/>; and <www.haguejusticeportal.net/>.

Netherlands International Law Review, LVI: 69-70, 2009
© 2009 *T.M.C. Asser Instituut and Contributors*
doi:10.1017/S0165070X09000692

https://doi.org/10.1017/S0165070X09000692 Published online by Cambridge University Press

(2) *The Prosecutor* v. *Milutinovic, Sainovic, Pavkovic, Lukic, Lazarevic, Ojdanic*

On 26 February 2009, Trial Chamber III rendered its first judgment in relation to crimes against humanity and war crimes committed by Yugoslav and Serbian forces in Kosovo in 1999. Six high-ranking Yugoslav and Serbian political, military and police officials were prosecuted, all of them associates of Slobodan Milosevic. Five of them were convicted. Former Serbian President Milutinovic was acquitted; former Yugoslav Deputy Prime Minister Sainovic, Yugoslav Army General Pavkovic, and Serbian Police General Lukic were each sentenced to 22 years' imprisonment. Yugoslav Army General Lazarevic and Chief of the General Staff Ojdanic were each sentenced to 15 years' imprisonment. The Trial Chamber held that during the course of NATO air-strikes, which began on 24 March 1999, the accused had participated in an organized campaign of violence against Kosovo Albanians, using significant state resources in the execution of a joint criminal enterprise. The crimes consisted of mass expulsions of civilians, and incidents of killing, sexual assault and destruction of mosques. Some 700,000 Kosovo Albanians departed from Kosovo in a few months' time.

International Criminal Tribunal for Rwanda

(1) *The Prosecutor* v. *Karera (Appeal)*

On 2 February 2009, the Appeals Chamber of the ICTR upheld the Trial Chamber's sentence of life imprisonment for Karera of 7 December 2007. Karera had been found guilty of genocide and crimes against humanity (extermination and murder) in the Nyamirambo sector (Kigali-Ville prefecture), at Ntarama Church, and in Rushashi commune (Kigali prefecture). Karera was the former Prefect of Kigali-Rural Prefecture in Rwanda and a member of the *Mouvement républicain national pour le développement et la démocratie* (MRND). The Appeals Chamber reversed a number of the Trial Chamber's convictions for aiding and abetting genocide, ordering genocide, extermination and murder as crimes against humanity, and instigating murder as a crime against humanity. However, the Appeals Chamber held that due to the seriousness of the crimes for which Karera remained convicted, there was no reason to reverse the life sentence imposed by the Trial Chamber.

Erik V. Koppe
(Managing Editor)

https://doi.org/10.1017/S0165070X09000692 Published online by Cambridge University Press