(b) Constitutional and Institutional Developments

1. ICTY Judges Conclude Review of Judicial Procedures

On 10 July 1998, the Judges of the International Criminal Tribunal for the former Yugoslavia (ICTY) concluded the review of the Rules of Procedure and Evidence.[1] Six new rules were adopted and 25 others amended. Changes include the assignment by the Trial Chamber of one of its members as pre-trial Judge after the initial appearance of an accused and the streamlining of the pre-trial and trial proceedings. In addition, in the future Chambers will render one combined judgment determining whether the accused is guilty, and if found guilty, imposing sentence.

2. Two New Courtrooms Opened

In May and June 1998, two new courtrooms to be used by the ICTY were inaugurated.[2] On 5 May, the official inauguration of courtroom II was led by the Right Honourable John Morris Q.C. M.P, Attorney General for England and Wales. On 12 June, H.E. Mr Hans van Mierlo, the Dutch Minister for Foreign Affairs, together with H.E. Mr David Scheffer, United States Ambassador-at-large for war crimes, led the official opening of courtroom III. The increased case-load of the ICTY made the construction of these courtrooms necessary. Donations from the United Kingdom, the United States, and the Netherlands made their construction possible.

3. Deaths of Detainees of the ICTY

On Monday 29 June 1998, the accused Slavko Dokmanović was found dead in his cell in the ICTY's detention unit, after apparently having committed suicide.[3] His death was followed by that of another accused, Milan Kovačević, on Saturday 1 August 1998, presumably from a massive heart attack.[4] In both cases, internal inquiries were initiated by the ICTY into the circumstances surrounding the deaths of the accused. The Dokmanović inquiry, conducted by Judge Almiro Rodrigues, concluded that all the Rules of the Detention Unit concerning security and safety had been respected and

1. ICTY, Press Release, 16 July 1998.
2. ICTY, Bulletin, 27 July 1998.
3. ICTY, Press Release, 29 June 1998.
4. ICTY, Press Release, 3 August 1998.

https://doi.org/10.1017/S0922156598000454 Published online by Cambridge University Press

that no negligent behaviour was identified.[5] However, Judge Rodrigues is in the process of establishing a Working Group, including international experts, which will study the issue of suicides in prison and which will review the preventive measures applied in various detention systems. If necessary, the Working Group will suggest possible amendments to the existing Rules of Detention.[6] Judge Rodrigues was also appointed to conduct the Kovačević inquiry.[7] He concluded that there was no indication of negligence on the part of the duty doctor or any other person in the treatment of Kovačević.[8] However, some criticism could be leveled at the medical emergency procedures, occasioning proposals for certain measures concerning medical care in the Tribunal's Detention Unit.[9]

4. THE ICTY SEEKS THE ASSISTANCE OF THE SECURITY COUNCIL

On Tuesday 8 September 1998, the President of the ICTY, Judge Gabrielle Kirk McDonald, following a request by the Prosecutor, sent a letter to the Security Council "to seize it of the urgent need to impress upon the Federal Republic of Yugoslavia the need to honour its pledges under the Dayton Agreement and its obligations under Security Council resolutions and under international law".[10] The direct basis for this seizure is the failure by the government of the Federal Republic of Yugoslavia to arrest and transfer to the custody of the Tribunal Mile Mrksić, Miroslav Radić, and Veselin Slijvancanin, indicted since November 1995.[11] In the letter, the President underlines that this is only the most blatant example of the refusal of the Federal Republic of Yugoslavia to co-operate with the Tribunal. The Security Council is urged to take action to remedy the conduct of the Federal Republic of Yugoslavia.[12]

5. ICTY, Press Release, 23 July 1998.
6. *Id.*
7. ICTY, Press Release, 6 August 1998.
8. ICTY, Press Release, 7 September 1998.
9. *Id.*
10. ICTY, Press Release, 9 September 1998.
11. *Id.*
12. *Id.*

https://doi.org/10.1017/S0922156598000454 Published online by Cambridge University Press