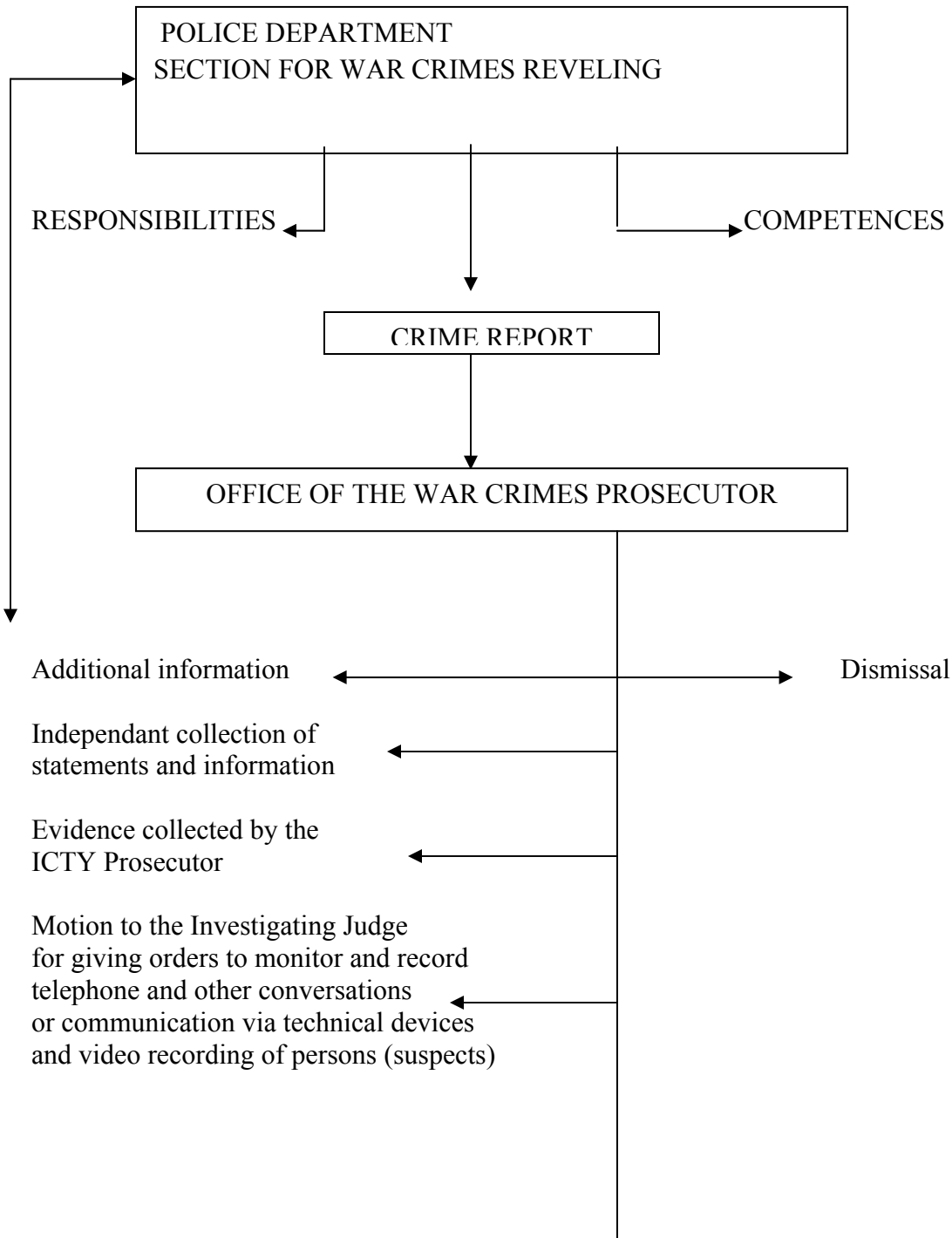


**CRIMINAL OFFENCES AGAINST HUMANITY AND INTERNATIONAL LAW
– CHAPTER 16 OF THE BASIC CRIMINAL CODE OF THE REPUBLIC OF
SERBIA – WAR CRIMES**

SPECIFIC FEATURES OF CRIMINAL PROCEDURE

PRE-INVESTIGATORY PROCEEDINGS

THE PRESENCE OF **GROUND**S FOR SUSPICION THAT A PERSON HAS COMMITTED A CRIMINAL OFFENCE



Motion to the Investigating Judge for initiating specific investigatory actions against FNU LNU perpetrator

Motion to the Criminal Chamber for granting a person the status of witness associate

Special protection of witnesses and witness associates

Official secret - data on pre-investigatory proceedings can be made public only subject to the Prosecutor's written approval

INVESTIGATING JUDGE OF THE DISTRICT COURT IN BELGRADE
 – WAR CRIMES CHAMBER

Release ← → Detention

Approvals ←

Inspection ←

MINISTRY OF INTERNAL AFFAIRS (MUP) OF THE REPUBLIC OF SERBIA

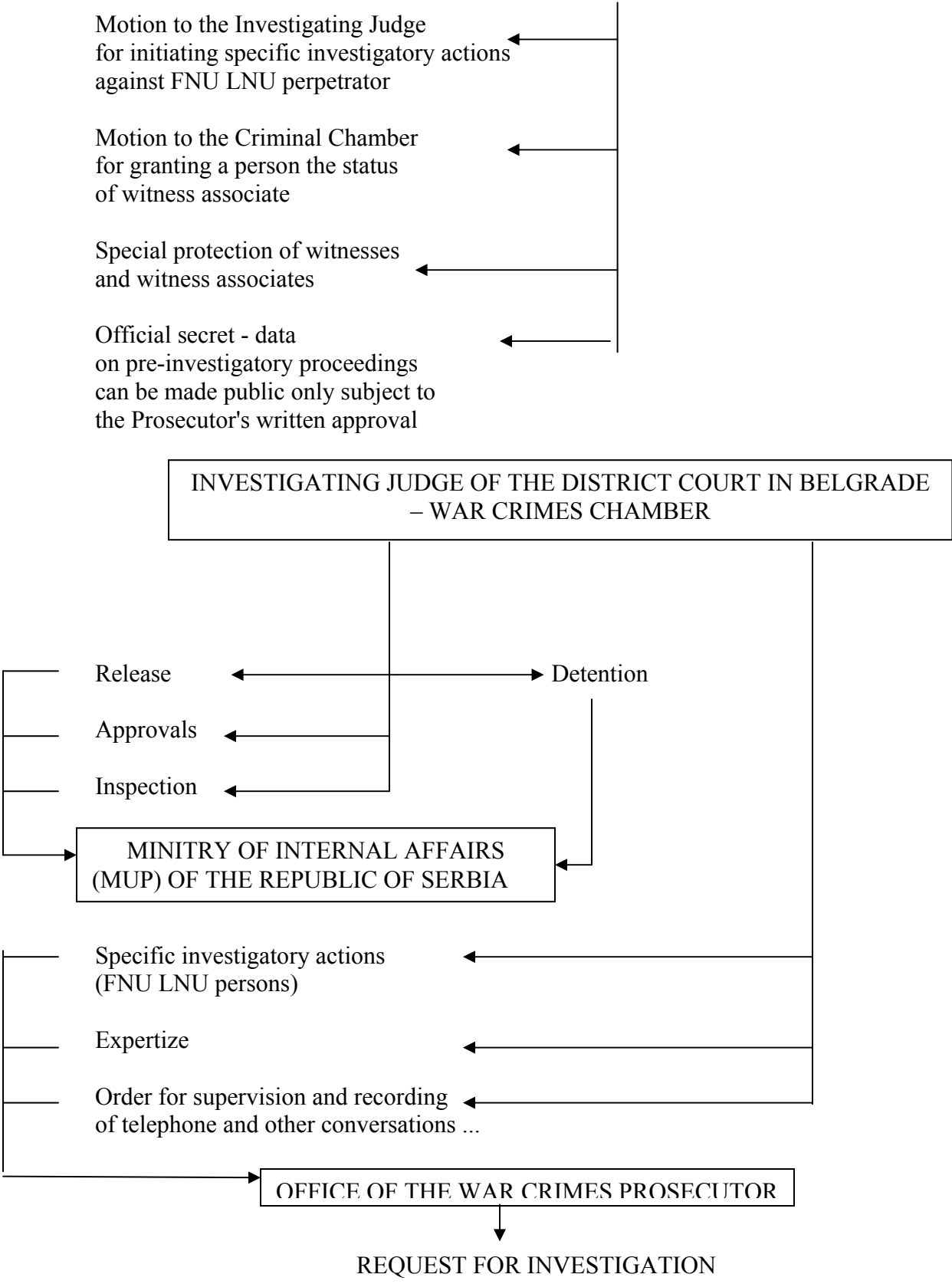
Specific investigatory actions (FNU LNU persons) ←

Expertize ←

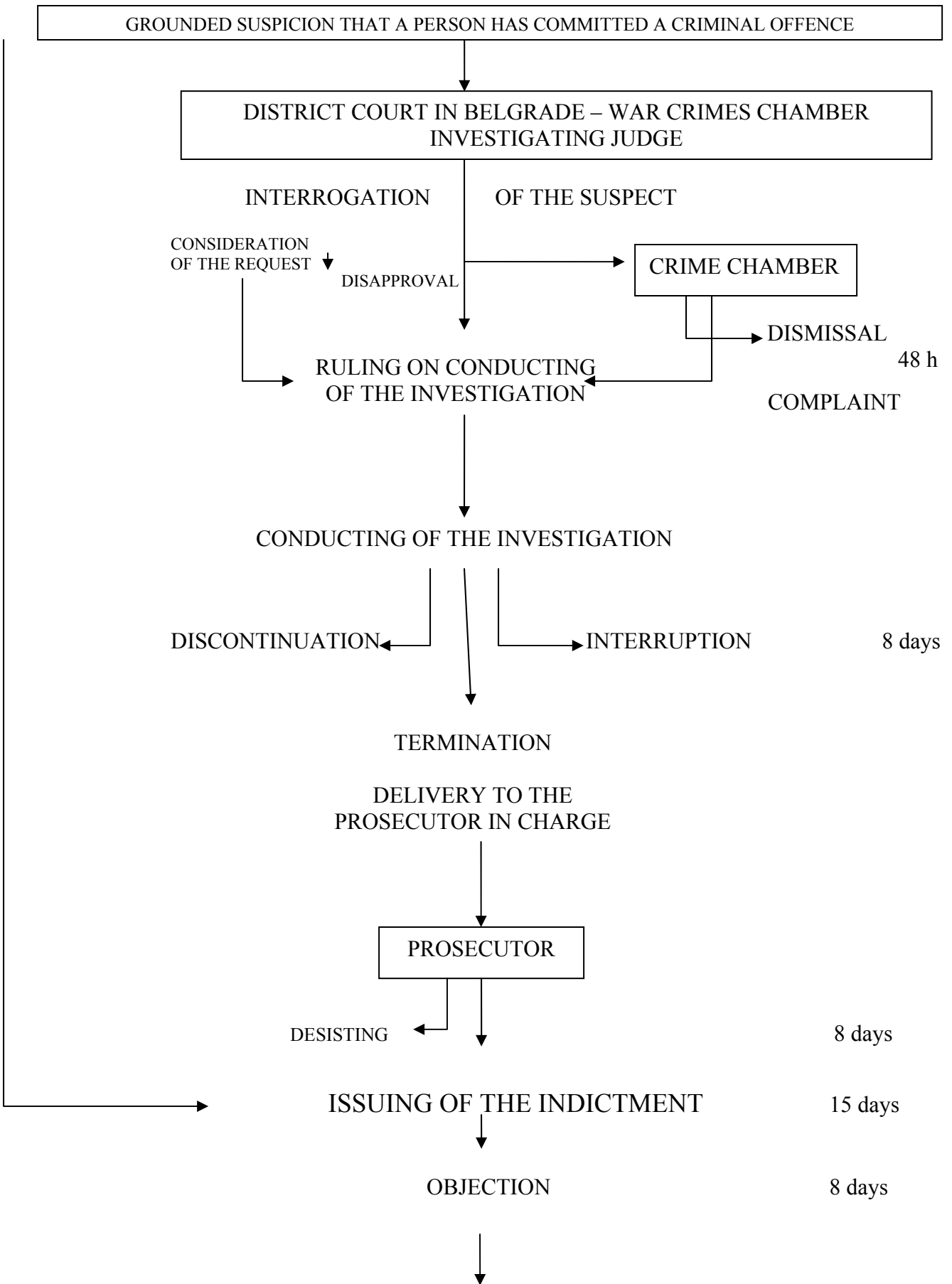
Order for supervision and recording of telephone and other conversations ... ←

OFFICE OF THE WAR CRIMES PROSECUTOR

REQUEST FOR INVESTIGATION



PRE-TRIAL PROCEEDINGS



DISTRICT COURT IN BELGRADE – WAR CRIMES CHAMBER – CRIMINAL CHAMBER

- DISMISSAL OF THE OBJECTION
- RETURN TO THE PROSECUTOR
- DECLARE THE COURT AS BEING NON-COMPETENT
- EXCLUSION OF FILES
- DISCONTINUATION OF THE PROCEEDINGS
- DISMISSAL OF THE INDICTMENT
- DECISION ON WITNESS ASSOCIATE

REFUSAL OF THE OBJECTION

THE INDICTMENT BECOMING FINAL

PRINCIPAL PROCEEDINGS

COURT

- PREPARATIONS FOR THE TRIAL
 - DESISTING FROM PROSECUTION
 - OTHER ACTIONS
 - SETTING OF THE TIME AND PLACE OF THE TRIAL; SUMMONING OF RELEVANT PERSONS
 - OBTAINING OF NEW EVIDENCE

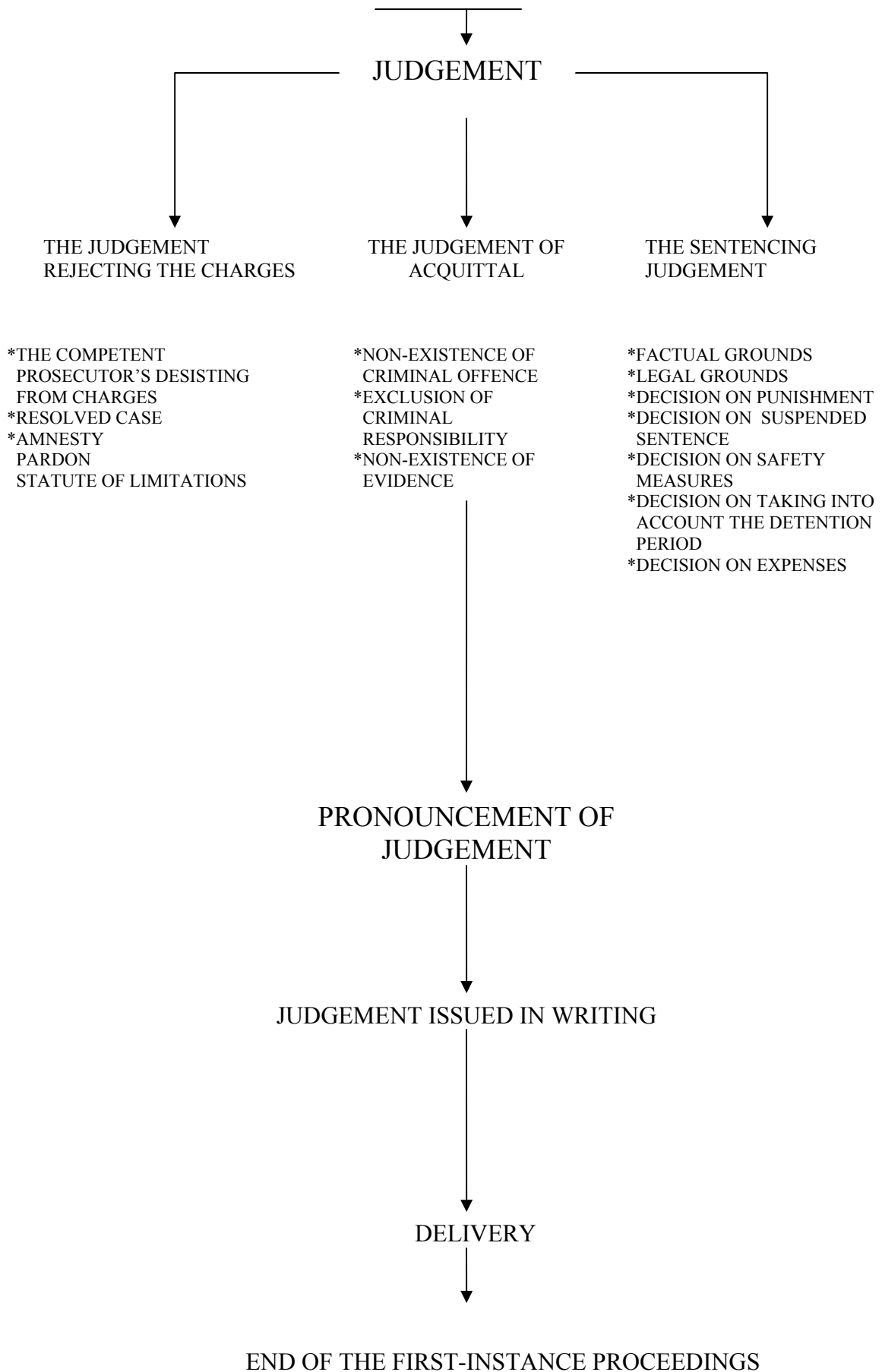
2 MONTHS

TRIAL

- *OPENING OF THE SESSION
- *COMMENCEMENT OF THE TRIAL
- *INTERROGATION OF THE ACCUSED
- *PRESENTATION OF EVIDENCE
- *DECISION ON WITNESS ASSOCIATE
- *CLOSING ARGUMENTS

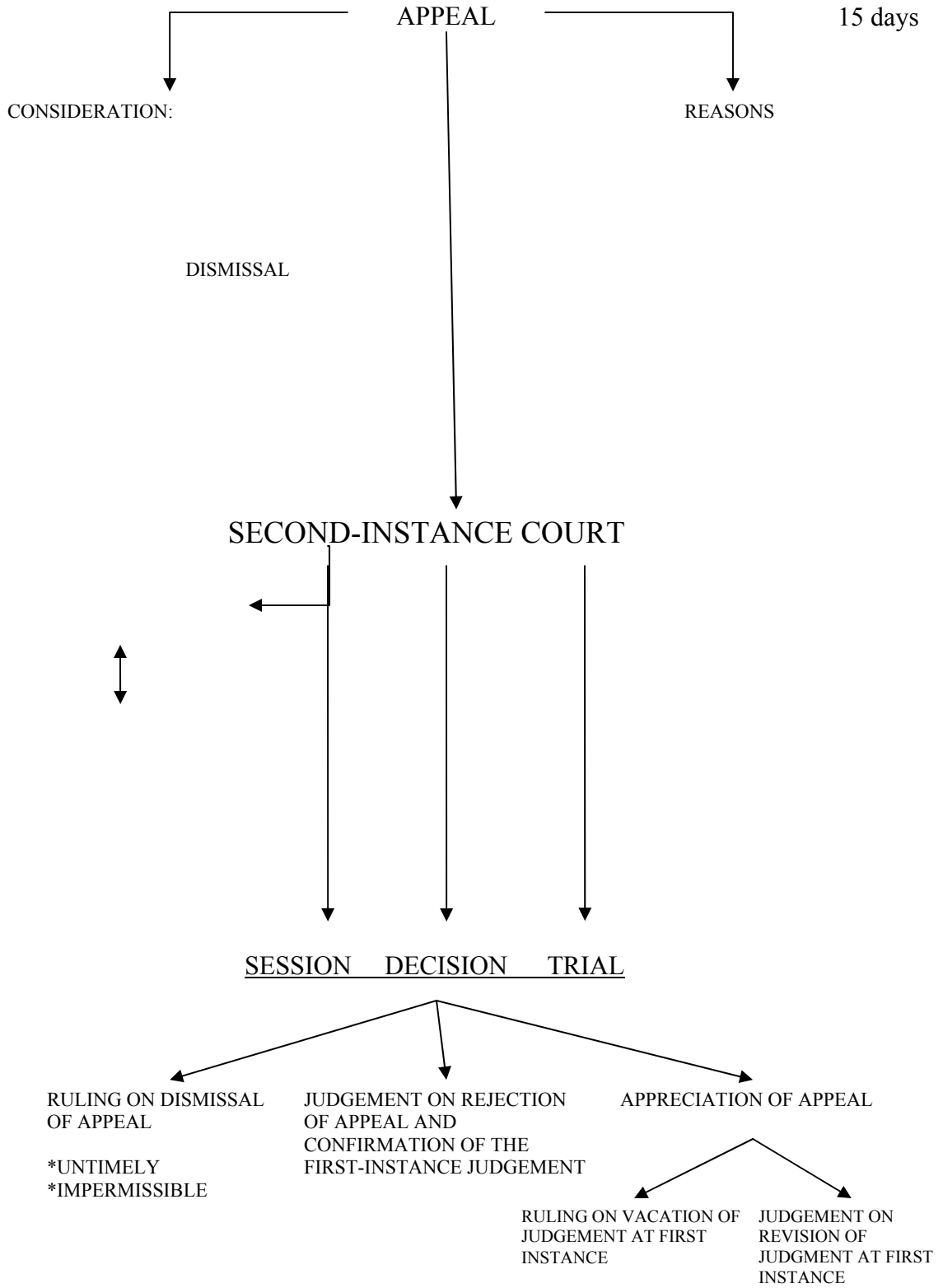
DELIBERATION AND VOTING

PROSECUTION



PROCEDURE UPON LEGAL REMEDY

Competent Prosecutor
Defence Council
Spouse
Injured person



GENERAL CHARACTERISTICS OF THE PROCEEDINGS

- Acting without delay
- Information on pre-investigatory proceedings and on official procedure constitutes an official secret.
- Proceedings for such criminal offences are based on the application of special provisions concerning the proceedings for organized crime (Chapter XXIXa) of the Criminal Procedure Act
- The Court can render a ruling on protection of the personal data relating to the witness or to the injured party
- The trial is audio and video recorded, the recordings including the entire course of the trial; the transcripts of the recordings are made within 72 hours and thereupon filed alongside the written record of the trial as its constitutive part.
- A special detention unit has been established in the Belgrade District Court, where the accused serve their detention terms set within the criminal proceedings initiated against them for war crimes offenses.
- Such criminal offences are proceeded by a panel consisting of **three professional judges** at the first instance, whereas the second-instance proceedings are conducted by a panel made up of five judges.
- Proceedings in the cases of criminal offences against humanity and the international law – war crimes, lie within the competence of the specially established bodies, i.e. the War Crimes Detection Service, Office of the War Crimes Prosecutor and War Crimes Chamber of the Belgrade District Court, their real and local competence covering the whole territory of the Republic of Serbia.