International criminal tribunals and human rights law: Adherence and contextualization

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Citation for published version (APA):
ANNEX 1  LENGTH OF CASES

The tables below provide a complete overview of the length of all contentious cases before the ICTR and the ICTY. Cases that have resulted in a guilty plea or in referral to a domestic jurisdiction have been excluded, as have other cases that did not result in a first instance judgment, such as the case against Slobodan Milošević, who passed away before his case was finalized. In addition, the ICTY table includes a column for ‘retrial first instance’, in order to allow for the inclusion of the Haradinaj et al case, which was completed after a retrial was ordered by the Appeals Chamber. The date of retrial judgment has been taken as the finalization of the trial, pursuant to ECtHR case law that provides that the right to be tried without undue delay covers possible review or retrial proceedings.¹

The right sides of the tables include six columns that indicate the respective lengths of several stages of the proceedings. The first is the total length, which is the time between arrest and the final (appeals) judgment in the case. The second is the length of the first instance trial, which indicates the time between the actual commencement of the trial until the closing arguments. The third indicates the length of time between the arrest and the first instance judgment. The fourth column shows the time that has lapsed between a suspect’s arrest and the commencement of her/his trial. The fifth column shows the period between the first instance and the appeals judgment. The sixth and final column indicates the time that has lapsed between the closing arguments in a case and the delivery of the first instance judgment. Finally, the letters NA indicate that a certain category is ‘not applicable’ in that case, for example because there was no appeal. The letters PA indicate ‘pending appeal’. The bottom rows indicate the calculated averages of these periods in days and years, respectively.

¹ See supra Chapter 6, section 2.1.
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