



27 August 1999

ICTY WEEKLY UPDATE – 90

LAST MINUTE NEWS

TADIĆ: HEARING ON SENTENCING FORUM SCHEDULED

Pursuant to an order issued on 23 August 1999, the Appeals Chamber (Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba) has cancelled the sentencing hearing which was due to take place on 30 August 1999 (see Update No. 86) for the additional counts on which it found the accused guilty in its Judgement of 15 July 1999 (see Press Release No. 419).

In accordance with a scheduling order issued by the Appeals Chamber on 27 July 1999 (see Update No. 88), on 25 August 1999, the Prosecution and counsel for Tadić filed their respective briefs on sentencing. With regard to the issue of the appropriate venue for sentencing proceedings, the Prosecution submitted that the matter should be remitted to a Trial Chamber composed of Judges assigned by the President. However, counsel for Tadić submitted that this Appeals Chamber should decide on sentencing.

Noting the above written submissions, on 27 August 1999, the Appeals Chamber ordered that the parties be heard on the matter of the sentencing forum on 30 August 1999 commencing at 2 p.m. and that the contempt of court allegation be resumed thereafter at 3.30 p.m.

PROCEDURAL DEVELOPMENTS: 9 – 27 AUGUST

I. OVERVIEW OF COURT PROCEEDINGS

KOVAČ CASE

Trial Chamber II – Judges Mumba (Presiding), Cassese and Hunt

On 12 August 1999, the initial appearance of Vinko Martinović was held. The accused, who had been transferred from the custody of the Croatian authorities to the ICTY's Detention Unit on 9 August 1999 (see Press Release No. 427), pleaded "not guilty" to the charges against him contained in the indictment. A date for trial will be set in due course.

II. OVERVIEW OF COURT DOCUMENTS

KORDIĆ & ČERKEZ CASE

LEAVE TO APPEAL DENIED

On 23 August 1999, a Bench of the Appeals Chamber (Judges Vohrah (Presiding), Wang and Nieto-Navia, the latter having been assigned to replace Judge Kirk McDonald in an order dated 6 August 1999, denied Kordić's application, filed on 2 July 1999 (see Update No. 88), for leave to pursue an interlocutory appeal of the decision of Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) dated 25 June 1999 rejecting the Defence motion to suppress evidence

Cont.

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Considering that the appellant had not shown that the decision of Trial Chamber III had caused any prejudice to his case which could not be cured by the final disposal of the trial, including post-judgement appeal, and that the search and seizure at issue were conducted by the Prosecution in conformity with the Rules, the Bench found that the appellant had not established any issue of general importance to proceedings before the Tribunal or in international law generally.

KRSTIĆ CASE

BINDING ORDER ISSUED TO REPUBLIKA SRPSKA FOR PRODUCTION OF DOCUMENTS

Noting a request for the issuance of a binding order directed to Republika Srpska for the production of documents filed by the Prosecutor, ex parte and under seal, on 15 June 1999. On 13 August 1999, Judge Claude Jorda the Presiding Judge of Trial Chamber I ordered the Republika Srpska to disclose the documents detailed in the Prosecutor's request within a month of the issuance of this order and requested the Republic of Bosnia and Herzegovina to provide all necessary assistance to comply with the request of the Prosecutor and to provide her with the documents if they are in its possession.

KUPREŠKIĆ & OTHERS CASE

LEAVE TO APPEAL DENIED

On 18 August 1999, a Bench of the Appeals Chamber assigned by Judge Lal Vohrah, acting as President in light of the unavailability of both the President and Vice-President of the Tribunal, on 13 August 1999 (Judges Vohrah (Presiding), Wang and Nieto-Navia) issued two orders dismissing the applications filed by Drago Josipović and jointly by Zoran Kupreškić and Mirjan Kupreškić, on 5 and 6 August 1999 respectively, for leave to appeal an order issued by Trial Chamber II (Judges Cassese (Presiding), May and Mumba) on 30 July 1999 denying provisional release (see Update No. 89).

The Appeals Chamber considered that neither the request for leave to appeal against the order denying provisional release filed by Zoran Kupreškić and Mirjan Kupreškić, nor that filed by Drago Josipović, had established any grounds which would constitute good cause for granting leave.

COURTROOM SCHEDULE: 30 AUGUST – 3 SEPTEMBER

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	No proceedings	10.00, Appeals Ch. Tadic/Vujin R77 hearing	10.00, Appeals Ch. Tadic/Vujin R77 hearing	10.00, Appeals Ch. Tadic/Vujin R77 hearing	10.00, Appeals Ch. Tadic/Vujin R77 hearing
	14.00, Appeals Ch. Tadic Sentencing 15.30, Tadic/Vujin R77 hearing	14.30 Appeals Ch. Tadic/Vujin R77 hearing	14.30 Appeals Ch. Tadic/Vujin R77 hearing	14.30 Appeals Ch. Tadic/Vujin R77 hearing	14.30 Appeals Ch. Tadic/Vujin R77 hearing
Courtroom III	No proceedings	10.00, TCI Jelusic Trial	No Proceedings	10.00, TCI Jelusic Trial	9.00-13.30, TCI Jelusic Trial
	14.00-18.00, TCI Jelusic Trial	14.30, TCI Jelusic Trial	13.30-17.30, TCI Jelusic Trial	14.30, TCI Jelusic Trial	No proceedings

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services. Unless otherwise indicated, all sessions are open.

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PRESS RELEASES ISSUED SINCE 9 AUGUST

DATE	NUMBER	TITLE
09/08/99	427	VINKO MARTINOVIC ("STELA") SURRENDERED TO ICTY BY THE REPUBLIC OF CROATIA
11/08/99	428	THE REGISTRAR WITHDRAWS ASSIGNMENT OF DEFENCE COUNSEL TO SEVEN ACCUSED
12/08/99	429	PRESIDENT GABRIELLE KIRK MCDONALD WELCOMES THE APPOINTMENT BY THE SECURITY COUNCIL OF CARLA DEL PONTE AS PROSECUTOR
13/08/99	430	ICELAND SIGNS AGREEMENT WITH THE UNITED NATIONS TO PROVIDE EXPERTS TO ASSIST WITH THE KOSOVO INVESTIGATIONS CONDUCTED BY THE OFFICE OF THE PROSECUTOR
23/08/99	431	SEVEN ACCUSED TO APPEAL REGISTRAR'S DECISION TO WITHDRAW ASSIGNMENT OF DEFENCE COUNSEL
25/08/99	432	STATEMENT BY THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA ON THE ARREST OF MOMIR TALIC TODAY IN VIENNA, AUSTRIA
25/08/99	433	THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL REPORTS TO THE SECURITY COUNCIL "THE REFUSAL OF CROATIA TO COOPERATE WITH THE TRIBUNAL" AND REQUESTS THAT "SUFFICIENTLY COMPELLING MEASURES" BE TAKEN

For the latest list of all court filings, please visit the [ICTY Court Records](#)

For a selection of the latest public documents, please visit the [ICTY Website](#)

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