



15 October 1999

ICTY WEEKLY UPDATE – 97

PROCEDURAL DEVELOPMENTS: 11 - 15 OCTOBER

I. OVERVIEW OF COURT PROCEEDINGS

TADIĆ CASE

Appeals Chamber – Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba

On Monday, the Appeals Chamber reconvened to hear the allegations of contempt of the Tribunal brought against Mr. Milan Vujin, former Counsel for Dusko Tadić (see Update No. 92).

All sessions were closed to the public.

Trial Chamber – Judges Kirk McDonald, Vohrah and Robinson

On Friday the Trial Chamber appointed by the President (Judges Kirk McDonald (Presiding), Vohrah and Robinson) held the sentencing hearing for the additional counts of which the accused was convicted by the Appeals Chamber on 15 July 1999 (see Update No. 86). The sentencing judgement for those additional counts will be handed down on 11 November 1999 at 10 a.m.

KORDIĆ & ČERKEZ CASE

Trial Chamber III – Judges May (Presiding), Bennouna and Robinson

The Trial Chamber continued to hear the Prosecution case-in-chief this week.

On Monday, after opening with an evidentiary hearing, the Trial Chamber began to hear the testimony of protected Prosecution witness S, a doctor in Zenica and Vitez who treated those injured whilst digging trenches. Witness S was a member of a commission which visited detainees in the cinema to check their health and to prepare a list of those who were to be released on medical grounds.

After the testimony of witness S the Trial Chamber heard the testimony of Colonel Hendrik Morsink, a Dutch army officer and monitor with EMM from the 13 April until 13 July 1993. The cross-examination of Colonel Morsink concluded on Wednesday after which the Trial Chamber heard the evidence of Mr. Nihad Rebihic.

Mr. Rebihic became member of territorial Vitez Defence in May 1992 and appointed coordinator of the units fighting the Serbs. His evidence continued on Thursday.

MARTINOVIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Riad and Rodrigues

The Trial Chamber held a status conference in closed session on Wednesday.

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II. OVERVIEW OF COURT DOCUMENTS

MARTINOVIĆ CASE

REQUEST FOR ASSIGNMENT OF COUNSEL DENIED

On 12 October 1999, the Deputy Registrar Mr. Jean-Jacques Heintz, issued a decision on behalf of the Registrar not to grant Vinko Martinović's request for the assignment of Mr. Branko Šerić, attorney from Zagreb, as his counsel.

Considering a presumption that the accused was paying his defence at the time of his transfer to The Hague has arisen in light of the fact that Mr. Šerić already represented the accused in national proceedings, and also considering that the Republic of Croatia has failed to provide information of the indigent status of the accused before the Zagreb County Court and that the apparent lifestyle of the accused appears to be above average, the Registrar was not satisfied that the accused fulfils the requirement of indigency.

SIMIĆ & OTHERS CASE

TODOROVIĆ'S APPEAL AGAINST TRIAL CHAMBER'S REFUSAL TO HOLD EVIDENTIARY HEARING DISMISSED

On 13 October 1999, the Appeals Chamber (Judges Kirk McDonald (Presiding), Cassese, Nieto-Navia, Shahabuddeen and Wang) dismissed Todorović's appeal from an oral order dated 4 March 1999, and a written decision dated 25 March 1999, in which Trial Chamber III (Judges Robinson (Presiding), Bennouna and Hunt) denied the accused's motion for an evidentiary hearing on abduction and kidnapping and a motion to repatriate the accused to the country of refuge, filed on 25 May 1999 (see Update No. 79).

The Appeals Chamber noted that the issue before the Trial Chamber was not whether there was a kidnapping and, if so, what were its legal effects, but whether or not, as stated by the Trial Chamber, to grant the accused's request for an evidentiary hearing as to the alleged kidnapping of the accused. Thus, the Appeals Chamber considered that the Trial Chamber did not abuse its discretion in reaching its decision on the basis that the motion did not contain sufficient factual and legal material.

BRĐANIN & TALIĆ CASE

BRĐANIN FILES INTERLOCUTORY APPEAL FROM DECISION ON MOTION TO DISMISS INDICTMENT

On 12 October 1999, counsel for Brđanin filed an interlocutory appeal against the decision of Trial Chamber II (Judges Cassese (Presiding), Mumba and Hunt) dated 5 October 1999 (see Update No. 96) in which it denied the accused's motion to dismiss the indictment. In his appeal the accused contends that "*it makes no sense ... to use the trial as a process to determine the existence of a prima facie case*".

Subsequently, on 14 October 1999, the President of the Tribunal assigned Judges Shahabuddeen, Vohrah, Wang, Nieto-Navia and Bennouna to the Appeals Chamber for the purpose of deciding the appeal.

JELISIĆ CASE

PROSECUTION FILES MOTION TO BE HEARD

On 15 October 1999, the Prosecution filed a motion requesting an opportunity to present submissions on the issues that are of concern to the Trial Chamber before any judgement is made on the genocide charge.

This motion follows the Trial Chamber's notice of 12 October 1999 scheduling a judgement hearing to take place on Tuesday 19 October 1999 at 2.30 p.m. (see Press Release No. 440).

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PRESS RELEASES ISSUED SINCE 11 OCTOBER

DATE	NUMBER	TITLE
13/10/99	440	JUDGEMENT TO BE HANDED DOWN BY TRIAL CHAMBER I IN THE JELISIC CASE

COURTROOM SCHEDULE: 18 – 22 OCTOBER*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	No proceedings	14.30, TC I Jelasic Judgement hearing	No proceedings	No proceedings	No proceedings
Courtroom II	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	No proceedings	No proceedings	9.30 Martinovic Stat Conf. Closed session	No proceedings	No proceedings
Courtroom III	9.30, TC III Kordic/Cerkez Trial	9.30, TC III Kordic/Cerkez Trial	9.30, TC III Kordic/Cerkez Trial	9.30, TC III Kordic/Cerkez Trial	No proceedings
	14.30, TC III Kordic/Cerkez Trial	14.30, TC III Kordic/Cerkez Trial	14.30, TC III Kordic/Cerkez Trial	14.30, TC III Kordic/Cerkez 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.

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

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