



19 November 1999

ICTY WEEKLY UPDATE – 102

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

KUNARAC & KOVAČ CASE

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

Judge Mumba held a status conference in open session on Monday 16 November during which it was decided that the trial is scheduled to commence on **Tuesday 1 February 2000 at 10.00 a.m.**

KORDIĆ & ČERKEZ CASE

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

The Trial Chamber reconvened on Thursday and continued to hear the testimony of witnesses called by the Prosecution. Captain Martin Forgrave, UN Liaison Officer in Bosnia from October 1992, testified regarding military matters in Bosnia at the relevant time. However, due to technical difficulties the hearings scheduled to take place on Thursday afternoon and Friday morning were cancelled.

TADIĆ CASE

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

On Thursday, the Appeals Chamber reconvened to hear the allegations of contempt of the Tribunal brought against Mr. Milan Vujin, former Counsel for Duško Tadić (see Update No. 92). The hearing was closed to the public.

The Appeals Chamber has now adjourned to consider its decision on the contempt allegations.

II. OVERVIEW OF COURT DOCUMENTS

SIMIĆ & OTHERS CASE

SCHEDULING ORDER ISSUED FOR CONTEMPT HEARINGS

On 12 November 1999, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) scheduled further hearings in the matter of contempt allegations against Milan Simić and his counsel in the afternoons of the week commencing **Monday 29 November 1999**, starting at **2.30 p.m.** on Monday and Tuesday and continuing on Wednesday and Thursday afternoons if necessary.

ORDER ON VARIOUS MOTIONS ISSUED

On 18 November 1999, Trial Chamber III ordered as follows:

1. Leave is granted to the International Committee for the Red Cross to appear as *amicus curiae* in respect of the Motion to re-open the confidential *ex parte* motion concerning the testimony of a witness formerly associated with the ICRC (see Update No. 96) and the Motion for an order requesting assistance in securing documents and witnesses from the ICRC both filed by counsel for Todorović on 5 October and 23 September 1999 respectively.
2. Todorović is granted the same access as the Prosecution, on a confidential basis, to the material filed in connection with the ICRC decision other than to any material which is capable of identifying the

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proposed witness. The ICRC and Prosecution are ordered to notify the Trial Chamber of any redactions to the material filed in connection with the ICRC decision so as to conceal the identity of the proposed witness.

3. The agenda for the status conference scheduled to take place on 23 November 1999.

BLAŠKIĆ CASE

PROCEEDINGS TERMINATED

On 16 November 1999, the Appeals Chamber (Judges Kirk McDonald (Presiding), Cassese, Vohrah, Wang and Nieto-Navia) issued an order terminating proceedings in the request for review a confidential *ex parte* order on a motion of the Prosecutor for the issuance of a binding order on the Republic of Croatia for the production of documents issued by Trial Chamber I (Judges Jorda (Presiding), Shahabuddeen and Rodrigues) on 30 January 1998.

The Appeals Chamber had issued a Decision on 26 February 1998 referring the matter to Trial Chamber I before which the Republic of Croatia and the parties were to be heard regarding the binding order. However, considering that the trial proceedings in the Blaškić case were concluded on 30 July 1999, no purpose would be served by further consideration of the matter and the parties have expressed their views that it is appropriate to terminate the appeal proceedings in this matter, the Appeals Chamber dismissed the request for review.

KVOČKA & OTHERS CASE

DECISION TO PROCEED BY WAY OF DEPOSITION ISSUED

On 15 November 1999, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) ordered that the evidence of certain witnesses would be taken by way of deposition and appointed the Senior Legal Officer as Presiding Officer in respect of the depositions. The deposition evidence will be taken in closed session in the absence of the accused.

The Trial Chamber considered that exceptional circumstances existed for the taking of evidence by way of deposition, namely, the length of the pre-trial detention of the accused and the inability of the Trial Chamber to set a date for commencement of trial due to the complexity of cases currently assigned to this Trial Chamber.

KUPREŠKIĆ & OTHERS CASE

FINAL TRIAL BRIEFS MADE PUBLIC

In accordance with the oral decision of Trial Chamber II dated 11 November 1999, on 15 November 1999, the Registry has now released the previously confidential final trial briefs of the Prosecution, Vlatko Kupreškić, Zoran Kupreškić, Mirjan Kupreškić and Drago Josipović filed on 5 November 1999.

DELALIĆ & OTHERS CASE

RESPONDENT AND REPLY BRIEFS FILED

The respondent's briefs of the Prosecution, Delić and Mucić filed on 17 September 1999 (Delalić's brief is confidential; Landžo did not file a brief) and the Prosecution, Delić, Mucić, Delalić and Landžo reply briefs dated on 25 October 1999 have now been released by the Registry.

BRĐANIN & TALIĆ CASE

INTERLOCUTORY APPEAL FROM DECISION ON MOTION TO DISMISS INDICTMENT REJECTED

On 16 November 1999, the Appeals Chamber (Judges Bennouna (Presiding), Shahabuddeen, Vohrah, Wang and Nieto-Navia) issued its decision on the interlocutory appeal from the decision on the motion to dismiss the indictment filed by Brđanin on 12 October 1999 (see Update No. 96).

Considering that a challenge to the confirmation of an indictment cannot be regarded as constituting a challenge to jurisdiction and further that the interlocutory appeal cannot be treated as an application for leave to appeal, the Appeals Chamber rejected the interlocutory appeal as improperly filed and dismissed a motion for a protective order prohibiting the Prosecution from seeking to amend the indictment until the Appeals Chamber has entered a decision in this matter filed by Brđanin on 25 October 1999.

KUNARAC & KOVAČ CASE

FURTHER DECISION ON PROVISIONAL RELEASE OF KUNARAC ISSUED

On 17 November 1999, Trial Chamber II (Judges Mumba (Presiding), Cassese and Hunt) confirmed its decision of 11 November 1999 to deny the request for provisional release filed by counsel for Kunarac on 11 October 1999 (see Update No. 101).

The Trial Chamber considered it appropriate to reconsider its decision in light of a letter received from the Government of the Republic of Srpska of Bosnia and Herzegovina dated 12 November 1999 in which the Government expressed its commitment to comply with orders issued by the Trial Chamber regarding the provisional release of the accused.

The Trial Chamber noted that the guarantees in the letter do not affect the reasoning of the Trial Chamber in the decision and thus took the view that exceptional circumstances did not exist.

PRESS RELEASES ISSUED SINCE 15 NOVEMBER

DATE	NUMBER	TITLE
15/11/99	448	21 st ICTY PLENARY SESSION UNDERWAY
16/11/99	449	JUDGE CLAUDE JORDA CHOSEN AS ICTY'S PRESIDENT AND JUDGE FLORENCE MUMBA AS VICE-PRESIDENT
18/11/99	450	NEW COMPOSITION OF CHAMBERS

COURTROOM SCHEDULE: 22 – 26 NOVEMBER *

MONDAY 22 NOVEMBER

Courtroom II 10:00, **Jelusic**, Trial
14:00, **Jelusic**, Trial
Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

TUESDAY 23 NOVEMBER

Courtroom II 10:00, **Jelusic**, Trial
14:00, **Jelusic**, Trial
Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Simic**, Motion/Status Conference

WEDNESDAY 24 NOVEMBER

Courtroom II 14:00, **Jelusic**, Trial
Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Simic**, Motion/Status Conference

THURSDAY 25 NOVEMBER

Courtroom II 09:00, **Jelusic**, Trial
14:00, **Jelusic**, Trial
Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

FRIDAY 26 NOVEMBER

Courtroom II 09:00, **Jelusic**, Trial
Courtroom III 09:00, **Kordic/Cerkez**, Trial

*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](#)

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