



18 January 2002

ICTY WEEKLY UPDATE – 203

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Mladen NALETILIĆ and Vinko MARTINOVIĆ Case (“Tuta” and “Štela”)

Trial Chamber I Section A – Judges Liu (Presiding), Harding Clark and Diarra

On 14 January 2002, the Defence cross-examined protected witness ZZ who began his testimony in chief on 11 January. Following cross-examination the Prosecution called protected witness AB who testified about events that occurred in Mostar in May 1993. The Prosecution then called protected witness AC.

The following day, the Prosecution resumed the examination of AC. The Defence was “not prepared” to cross-examine that same day. The hearing was then adjourned until the following morning.

On 16 January, the Defence cross-examined witness AC.

On 17 January, AC completed his testimony after which the Prosecution called witness Major Alistair Rule, an officer in the British Army who was company commander during a peace-keeping mission in Central Bosnia in 1992. The Prosecution then examined protected witness AD.

On 18 January, AD resumed her testimony.

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

The Trial Chamber reconvened on 14 January to hear the fourth week of the Prosecution case.

The Defence cross-examined witness John Ashton who gave three days of testimony the week before.

There was no session on 15 January.

On 16 January, the Defence resumed its cross-examination of John Ashton. The Prosecution then examined witness Alija Mulaomerović who was cross-examined by the Defence after the break. The witness was employed as the director for the Institute for Emergency Medical Assistance in Sarajevo since 1987.

On 17 January, following the cross-examination and then the re-examination of witness Alija Mulaomerović, the Prosecution called witness Youssef Hajir, a surgeon in Sarajevo in 1992. After Hajir’s testimony the court heard witness Fuad Šehbajraktarević, a director of a Sarajevo funeral parlour since 1992. A status conference took place between 13:00 and 13:45.

On 18 January, Šehbajraktarević resumed his testimony.

Mitar VASILJEVIĆ Case (“Višegrad”)

Trial Chamber II Section A – Judges Hunt (Presiding), Janů and Taya

On 14 January, the Prosecution examined witness Vera Folnegović-Smalc, a psychiatrist who examined the accused in December 2001, pursuant to the Order of the Trial Chamber dated 4 December 2001. Defence counsel then cross-examined the witness.

On 15 January, the court heard a witness in closed session. The Prosecution case was re-opened for the testimony of protected witness VG117 who testified about occurrences at the Vuk Karadžić School. The Defence then cross-examined the witness. The Prosecution’s case ended following the completion of VG117’s testimony. Since the Defence needed additional time to prepare for its reply

the hearing was adjourned. The Trial Chamber will re-convene to hear the Defence's reply at a date yet to be determined.

Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case ("Bosanski Šamac")

Trial Chamber II Section B – Judges Mumba (Presiding), Singh and Williams

On 14 January, Defence counsel for Milan Simić requested a B/C/S version of the fourth amended indictment. Since the translation was not yet available, the amended indictment was read aloud in the courtroom for the accused. The Prosecution then resumed the examination of protected witness M who had started his testimony before the adjournment of the trial on 7 December 2001.

M's testimony continued on 15 and 16 January. On 16 and 17 January, the Defence cross-examined the witness. The trial was adjourned to **11 February 2002** due to translation problems.

Dragan OBRENOVIĆ, Vidoje BLAGOJEVIĆ and Dragan JOKIĆ Cases

Trial Chamber II - Judges Schomburg (Presiding), Agius and Kwon

On 15 January, the Trial Chamber convened for a joint hearing on the Prosecution's Motion for Joinder of the three cases. The Trial Chamber granted the Prosecution's Motion and ordered that the three cases be joined. The Prosecution is to file a joint indictment no later than seven days after the hearing.

The written reasons followed on 16 January. The Trial Chamber was satisfied that the alleged crimes of the accused had been committed "in the course of the same transaction" as set out in Rule 48 and that the Prosecution had demonstrated on a *prima facie* basis that the crimes alleged had been committed as part of a common scheme, strategy or plan. Moreover, the Trial Chamber exercised its discretion to join the crimes, *inter alia*, because of the large number of overlapping issues in the three cases. The Trial Chamber then examined the arguments of the Defence for opposing the Motion for Joinder, *i.e.* that separate trials of at least Jokić and Obrenović were "necessary in order to avoid a conflict of interests that might cause serious prejudice to an accused" under Rule 82(B). The Trial Chamber was however not satisfied that any prejudice would be caused to the accused.

Radoslav BRDANIN and Momir TALIĆ Case

Pre-trial Judge - Judge Agius

On 16 January, the parties appeared before Judge Agius for a pre-trial conference. Judge Agius decided to delay the trial until Wednesday **23 January at 09:00** and to schedule another pre-trial conference on Monday **21 January at 09:30**. The written scheduling order followed on 17 January (see *Press Release* No. 654).

Milomir STAKIĆ Case

Trial Chamber II – Judges Schomburg (Presiding), Mumba and Agius

On 18 January 2002, the Trial Chamber convened for a status conference pursuant to Rule 65 *bis*, during which the progress of the pre-trial preparation was discussed.

II. OVERVIEW OF COURT DOCUMENTS:

Slobodan MILOŠEVIĆ Case ("Kosovo")

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

ORDER

On 11 January, the Trial Chamber confirmed its oral orders of 9 January 2002 as follows:

- (1) the Prosecution may call 90 witnesses in person, with leave to apply to the Chamber for permission to present additional witnesses;
- (2) the Prosecution is instructed to review the proposed list of witnesses whose evidence is to be presented by way of statements pursuant to Rule 92 *bis* so as to avoid repetition and orders that the applications for admission of such evidence be made forthwith on completion of the certification and translation processes;

- (3) the Prosecution shall present its case by the beginning of the summer recess;
- (4) written statements of all witnesses to be called in person are to be disclosed to the accused, in a language he understands, prior to the commencement of trial; any witness whose statement has not been so disclosed may only be called with leave of the Trial Chamber;
- (5) no witness may be called to testify until at least 30 days after disclosure of the statement of the witness;
- (6) the Prosecution shall disclose the name and other redacted information relating to any protected witness to the *amici curiae* not less than 30 days and to the accused not less than 10 days before the witness is expected to testify; and
- (7) no exhibit shall be admitted unless in or accompanied by a translation into one of the working languages of the Tribunal at the time it is tendered.

(See *Weekly Update* No. 202)

ORDER CONCERNING AMICI CURIAE

On 11 January, the Trial Chamber confirmed its oral Order of 9 January that the *amici curiae* should also assist the it by:

- (1) drawing the attention of the Trial Chamber to any defences, for example, self-defence, which may properly be open to the accused to raise on the evidence; and
- (2) making submissions as to the relevance, if any, in this trial of the NATO air campaign in Kosovo.

The *amici curiae* may also assist the Trial Chamber, if appropriate, by identifying witnesses whom the Trial Chamber may itself want to call pursuant to Rule 98 of the Rules and reiterated that the *amici curiae* should assist the Trial Chamber in any other way they consider appropriate.

INTERLOCUTORY APPEAL OF THE PROSECUTION AGAINST “DECISION ON PROSECUTION’S MOTION FOR JOINDER’

On 15 January, the Prosecution filed its Interlocutory Appeal against the “Decision on the Prosecution’s Motion for Joinder.”

Slobodan MILOŠEVIĆ Case (“Croatia and Bosnia”)

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

ORDER EXTENDING TIME TO FILE JOINT INDICTMENT

On 16 January, the Trial Chamber granted leave to the Prosecution to delay filing a joint indictment relating to the crimes alleged to have been committed in Bosnia and Croatia until 14 days after the date of the determination by the Appeals Chamber of the interlocutory appeal.

Radoslav BRĐANIN and Momir TALIĆ Case and Milimir STAKIĆ Case

Trial Chamber II – Judges Agius (Presiding), Janů and Taya

DECISION ON PROSECUTION’S MOTION FOR A JOINT HEARING

On 11 January, the Trial Chamber dismissed the Prosecution’s Motion for a Joint Hearing of evidence common to the cases *The Prosecutor v. Brđanin and Talić* and *The Prosecutor v. Milimir Stakić*, dated 8 January 2002.

Radoslav BRĐANIN and Momir TALIĆ Case

Pre-trial Judge – Judge Agius

DECISION ON PROSECUTION RESPONSE TO “DEFENDANT BRĐANIN’S PRE-TRIAL BRIEF”

On 14 January, following the Prosecution’s argument that the Brđanin pre-trial brief was in violation of Rule 65 *ter* and “manifestly inadequate”, the Trial Chamber ordered the defendant Brđanin to file a statement setting out his views on the legal issues in this case. In particular, he must specify the aspects of the legal analysis in the Prosecution’s pre-trial brief with which he takes issue and the reasons why. The statement must be filed within 14 days of the date that this Order is received by Defence counsel for Brđanin.

The Trial Chamber further ordered that the remainder of the Prosecution’s Response be dismissed.

Milomir STAKIĆ Case

Pre-trial Judge – Judge Schomburg

ORDER ON PROSECUTION'S MOTION FOR EXTENSION OF TIME

On 14 January, the Pre-trial Judge rejected the Prosecution's Motion for extension of time to file its pre-trial brief which was due on 16 January.

COURTROOM SCHEDULE: 21 JANUARY – 25 JANUARY*

MONDAY 21 JANUARY

Courtroom I 09:30 - 13:45, **Brdjanin/Talic**, Pre-trial Conference
14:15 - 19:00, **Martinovic/Naletilic**, Trial
Courtroom II 09:30 - 13:00, **Galic**, Trial
14:30 - 16:00, **Galic**, Trial
Courtroom III

TUESDAY 22 JANUARY

Courtroom I 09:30 - 13:45, **Brdjanin/Talic**, Continuation Pre-trial Conference (to be confirmed)
14:15 - 19:00, **Martinovic/Naletilic**, Trial
Courtroom II 09:30 - 13:00, **Galic**, Trial
14:30 - 16:00, **Galic**, Trial
Courtroom III

WEDNESDAY 23 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Start of Trial
14:15 - 19:00, **Martinovic/Naletilic**, Trial
Courtroom II 09:30 - 13:00, **Galic**, Trial
14:30 - 16:00, **Galic**, Trial
Courtroom III

THURSDAY 24 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
14:15 - 19:00, **Martinovic/Naletilic**, Trial
Courtroom II 09:30 - 13:00, **Galic**, Trial
14:30 - 16:00, **Galic**, Trial
Courtroom III

FRIDAY 25 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
14:15 - 19:00, **Martinovic/Naletilic**, Trial
Courtroom II 09:30 - 13:00, **Galic**, Trial
14:30 - 16:00, **Galic**, Trial
Courtroom III

*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.

Public proceedings are also broadcast with a 30 minute delay on the ICTY's web site:

<http://www.un.org/icty/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 11 JANUARY

DATE	NUMBER	TITLE	E	F	B/C/S
17/01/2002	654	BRĐANIN AND TALIC TRIAL TO BEGIN WEDNESDAY 23 JANUARY 2001	E		B/C/S

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

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