



28 March 2002

ICTY WEEKLY UPDATE – 213

LATEST NEWS:

Vidoje BLAGOJEVIĆ, Dragan OBRENOVIĆ and Dragan JOKIĆ Case (“Srebrenica”)

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

DECISION ON REQUEST FOR PROVISIONAL RELEASE OF ACCUSED JOKIĆ

On 28 March 2002, the Trial Chamber denied Dragan Jokić’s Motion for Provisional Release of 10 January 2002. The Trial Chamber had heard the oral arguments of the parties on 21 March 2002 (see *Weekly Update* No. 212).

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Stanislav GALIĆ Case (“Sarajevo”)

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

On 25 March 2002, the Trial Chamber reconvened to hear the fourteenth week of the Prosecution case. The Prosecution examined witness John Hamill, a United Nations Military Observer in Sarajevo in 1993 who testified about the shelling of the Markale market in 1994. The Defence then cross-examined the witness.

On 26 March, the Defence resumed its cross-examination. The Prosecution subsequently re-examined the witness and the Judges briefly questioned him as well. The Prosecution then examined protected witness AH who was the victim of a sniping attack in Sarajevo during the war.

On 27 March, the Prosecution resumed its examination. The Defence then cross-examined the witness. The Prosecution then called another protected witness, AG, another victim of a sniping attack in Sarajevo. The Defence cross-examined the witness and the Judges subsequently questioned the witness.

On 28 March, the Prosecution examined witness Mehmed Travljanin who testified about the shelling of the Markale market in Sarajevo in February 1994. The Defence then cross-examined the witness.

Slobodan MILOŠEVIĆ Case (“Kosovo”, “Croatia” and “Bosnia and Herzegovina”)

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

On 25 March 2002, the Trial Chamber decided to cancel the scheduled hearings in the Milosević case for the rest of this week due to the accused's illness.

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

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

On 25 March 2002, the Trial Chamber convened for the first week of the Defence case. The Defence gave its opening statement.

On 26 March, the Defence resumed its opening statement.

On 27 and 28 March, the hearings took place in closed session.

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

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

On 25 March 2002, the hearing in this case was adjourned until further notice. On 27 March, a hearing was held pursuant to Rule 15 *bis* (C). Due to the illness of Judge Singh, another Judge will be appointed to replace him. In accordance with Rule 15 *bis* (C) the Trial Chamber asked the four co-accused whether they considered that the proceedings should continue or re-commence. The four co-accused told the Trial Chamber that the proceedings should continue. Milan Simić filed a written consent since he was not present in the Courtroom. A Status Conference was then held at which the presence of the four co-accused was not required. The Status Conference took place in closed session.

Miodrag JOKIĆ Case (“Dubrovnik”)

Pre-Trial Judge Orić

On 26 March 2002, the parties appeared before the pre-trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. The accused, provisionally released on 20 February 2002 (see *Weekly Update* No. 208), was not present. Pre-trial preparations were discussed.

II. OVERVIEW OF COURT DOCUMENTS:

Radislav KRSTIĆ Case (“Srebrenica”)

Pre-Appeal Judge Hunt

SCHEDULING ORDER

On 22 March 2002, the Pre-Appeal Judge ordered that a Status Conference be held on **5 April at 14:30**.

Dragoljub KUNARAĆ, Radomir KOVAČ and Zoran VUKOVIĆ Case (“Foca”)

Pre-Appeal Judge Shahabuddeen

SCHEDULING ORDER

On 22 March 2002, the Pre-Appeal Judge scheduled a Status Conference for Friday **5 April 2002 at 16:00**.

Milomir STAKIĆ Case (“Prijeđor”)

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

DECISION ON PROSECUTION’S MOTION FOR RECONSIDERATION OF TRIAL DATE AND FINAL SCHEDULING ORDER

On 20 March 2002, the Prosecution moved for a reconsideration of the provisional trial date of 16 April 2002. On 22 March 2002, the Trial Chamber denied the Prosecution’s Motion and ordered that the trial commence on **16 April 2002**. The Pre-Trial Conference was provisionally scheduled for **10 April 2002**.

Enver HADŽIHASANOVIĆ, Mehmed ALAGIĆ and Amir KUBURA (“Central Bosnia”)

Trial Chamber II – Judges Schomburg, Mumba and Agius

SCHEDULING ORDER

On 21 February 2002, the Defence filed a Joint Challenge to Jurisdiction arising from the amended Indictment. The Prosecution filed its Response on 27 February. The parties delivered oral arguments during the Status Conference of 22 March 2002. On 25 March 2002, the Trial Chamber ordered that the parties file a written submission on these issues by **10 May 2002**, written responses not later than **24 May 2002** and eventual written replies by **31 May 2002**.

DECISION ON PROSECUTION’S MOTION FOR REVIEW OF THE DECISION OF THE REGISTRAR TO ASSIGN MR. RODNEY DIXON AS CO-COUNSEL TO THE ACCUSED KUBURA

On 22 March 2002, the Trial Chamber dismissed the Prosecution Motion of 20 December 2001. In this Motion the Prosecution had requested the Trial Chamber to review a decision rendered on 26 November 2001 by the Deputy Registrar of the Tribunal assigning co-counsel for the accused Amir Kubura (see *Judicial Supplement* No. 29). Before joining private legal practice, co-counsel worked as a

legal advisor with the Prosecution. The Trial Chamber held that the Prosecution had not established that a real possible conflict of interest existed and that therefore Mr. Dixon should not be disqualified as counsel in this particular case.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

DECISION ON “MOTION TO DECLARE RULE 90(H) (ii) VOID TO THE EXTENT IT IS IN VIOLATION OF ARTICLE 21 OF THE STATUTE OF THE INTERNATIONAL TRIBUNAL” BY THE ACCUSED RADOSLAV BRĐANIN AND ON “RULE 90(H) (ii) SUBMISSIONS” BY THE ACCUSED MOMIR TALIĆ

On 22 March 2002, the Trial Chamber rejected the motions of the accused. The Trial Chamber found no inconsistency between the application of Rule 90(H) (ii) of the Rules of Procedure and Evidence and Articles 20 and 21 of the Statute.

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

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

ORDER FOR MEDICAL EXAMINATION OF MILAN SIMIĆ

On 26 March 2002, the Trial Chamber ordered *proprio motu* that a medical examination of the accused Milan Simić be carried out.

Bench of the Appeals Chamber - Judges Güney (Presiding), Pocar and Meron

DECISION ON APPLICATION FOR LEAVE TO APPEAL

On 27 March 2002, the Bench of the Appeals Chamber dismissed the Application of the Defence. The Applicants had submitted that the Trial Chamber’s Decision granting the Prosecution leave to amend the third amended Indictment violated the right of the accused under Article 21(4)(a) of the Statute. The Bench held that the Applicants had not established that the issue in the Application is of general importance to proceedings before the Tribunal or in international law generally or that the Applicants had suffered any incurable prejudice.

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

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

ORDER TO THE PROSECUTION TO PROVIDE DEFINITE INFORMATION ON THEIR ALLEGED POSSESSION OF THE MOSTAR COURT FILES

On 8 March 2002, Mladen Naletilić requested an Order for disclosure by the Prosecution of exculpatory evidence pursuant to Rule 68 of the Rules of Procedure and Evidence. On 27 March, the Trial Chamber considered it crucial to receive a final answer from the Prosecutor on their alleged possession of the Mostar Court files. The Trial Chamber ordered that the Prosecution provide information and documentation to the Chamber as to whether and when the files had been in their possession, whether and when they had been returned to the High Court of Mostar or whether they still were in the possession of the Prosecution. It further ordered that the Prosecution file their definite answer by **4 April 2002**.

COURTROOM SCHEDULE: 1 APRIL – 5 APRIL *

MONDAY 1 APRIL

UN HOLIDAY

Easter Monday

TUESDAY 2 APRIL

Courtroom II 14:15 - 19:00, Galić, Trial

Courtroom III 09:00 - 13:45, Martinović/Naletilić, Trial

WEDNESDAY 3 APRIL

Courtroom I 09:00 - 13:45, Brđanin/Talić, Trial

Courtroom II 09:00 - 13:45, Galić, Trial

Courtroom III 09:00 - 13:45, Martinović/Naletilić, Trial

THURSDAY 4 APRIL

Courtroom I 09:00 - 13:45, Brđanin/Talić, Trial

Courtroom II 09:00 - 13:45, Galić, Trial

Courtroom III 09:00 - 13:45, Martinović/Naletilić, Trial

FRIDAY 5 APRIL

Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Martinović/Naletilić**, Trial
14:30 - 15:30, **Krstić**, Status Conference
16:00 - 16:45, **Kunarac et al.**, Status Conference

*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/latest/> (in English) (Please click on Hearing Schedule);

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

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