



10 May 2002

ICTY WEEKLY UPDATE – 219

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 6 May 2002, on the ninth week of the Prosecution case, the accused resumed the cross-examination of witness Ibrahim Rugova, the President of Kosovo (see *Weekly Update* No. 218). The Judges and one of the *amici curiae* subsequently questioned the witness and the Prosecution re-examined him. The Prosecution then called Rule 92 *bis* witness Sejdi Lami from the hamlet of Lama in Kosovo. The Prosecution introduced his statement which describes the attack on the Kosovo village of Vataj/Vata in 1999.

On the morning of 7 May, the hearing took place in closed session. The Prosecution then introduced the statement of Rule 92 *bis* witness Fadil Vishi from the village of Pokranc/Dubrava in Kosovo. The witness testified about the attack on his village in 1999. The accused and one of the *amici curiae* cross-examined the witness who was then re-examined by the Prosecution. After the break, the Prosecution called Rule 92 *bis* witness Florim Krasniqi, a resident of the Kosovo town of Miroslavje, who testified about the killing of civilians by soldiers in Kosovo in 1999.

On 8 May, the Prosecution called Rule 92 *bis* witness Avni Nebihu who testified about the attack on the village of Sojevo in the municipality of Ferizaj/Uroševac, Kosovo in 1999. After his cross-examination by the accused, the Prosecution called another Rule 92 *bis* witness, Asman Thaci from the village of Demjan in the Gjakovë/Đakovica municipality of Kosovo, who testified about the attack on his village in 1998. The accused cross-examined the witness. The Prosecution then called another witness under the same Rule, Xhevahire Rrahmani, from the village of Bukos in the municipality of Vushtrri/Vucitrn in Kosovo, who gave a statement about the shelling of villages in the Skenderaj/Srbica municipality in 1999. After her cross-examination by the accused, the Prosecution called Rule 92 *bis* witness Abdullah Salihu, an imam from the village of Baks in Kosovo, who testified about the attack on the village in 1998.

On 9 May, the accused and an *amicus curiae* cross-examined the witness after which the Prosecution re-examined the witness. The Prosecution then requested that the protective measures for witness Nike Peraj, a former teacher and captain in the Yugoslav Army, be lifted and that his statement be admitted under Rule 92 *bis*. The Trial Chamber ruled that the evidence of witness Nike Peraj, on events in the Gjakovë/Đakovica municipality, was cumulative in nature and admitted it under Rule 92 *bis*. Following a brief introduction by the Prosecution, the accused cross-examined the witness.

Stanislav GALIĆ Case (“Sarajevo”)

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

On 6 May 2002, the Trial Chamber convened to hear the eighteenth week of the Prosecution case. The Prosecution called witnesses Fata Spahić and Muhamed Kapetanović who both testified about shelling and sniping incidents in Sarajevo in 1994. The Defence cross-examined the two witnesses.

On 7 May, the Prosecution called witness Goran Todorović from Alipašino Polje in Sarajevo who testified about a shelling incident at a children’s playground in 1994. The Defence then cross-examined the witness. The Prosecution subsequently examined protected witness J, a policeman from Sarajevo, who

testified about the sniping and shelling incidents that he investigated during the war in Sarajevo. The Defence then cross-examined the witness.

On 8 May, the hearing took place in closed session.

On 9 May, the Defence cross-examined protected witness R. The hearing was then adjourned for the day.

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

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

On 6 May 2002, the Trial Chamber convened to hear the seventh week of the Defence case. The Defence examined protected witness ND who gave most of his testimony in closed session.

On 7 May, most of the hearing also took place in closed session.

On 8 May, the Defence examined witness Damir Zorić, the opposition leader in the Croatian Parliament in 1991 and 1992. The Prosecution then cross-examined the witness.

On 9 May, the health problems of Mladen Naletilić were discussed. The hearing then went into closed session, after which it was adjourned to Monday **13 May 2002**.

Milimir STAKIĆ Case (“Prijeđor”)

Trial Chamber II - Judges Schomburg (Presiding), Fassi Fihri and Vassilyenko

On 6 May 2002, the Trial Chamber convened to hear the fifth week of the Prosecution case. The Prosecution examined witness Muharem Murselović, a restaurant owner from Prijeđor, who was detained in the Omarska Camp in 1992.

On 7 May, the hearing was adjourned until the following day due to illness of the accused.

On 8 May, the Prosecution resumed the examination of witness Muharem Murselović. The Defence then cross-examined the witness.

On 9 May, the Defence resumed the cross-examination.

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

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

On 6 May 2002, the Prosecution examined witness Kemal Mehinović, a baker from Bosanski Šamac, who testified about forced labour he had to perform around Bosanski Šamac in 1993.

On 7 May, the Prosecution resumed the examination of the witness. The Defence then cross-examined the witness.

On 8 May, the Defence resumed the cross-examination of witness Kemal Mehinović. The Prosecution then re-examined the witness.

On 9 May, the hearing took place in closed session.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

Trial Chamber II Section A - Judges Agius (Presiding), Janů and Taya

On 7 May 2002, the Trial Chamber convened to hear the thirteenth week of the Prosecution case. The court heard the testimony of a witness in closed session which continued for two days.

On 10 May, discussion revolved around whether journalists could be compelled to testify.

Momčilo GRUBAN Case (“Omarska Camp”)

Trial Chamber III - Judge Robinson

Following his transfer to the Tribunal on 2 May 2002 (see *Press Release* No. 673), Momčilo Gruban appeared before Judge Robinson for his initial appearance on 10 May. The accused pleaded “not guilty” to all the counts of the Indictment. A Status Conference was scheduled for **13 August 2002**.

Momčilo KRAJIŠNIK and Biljana PLAVŠIĆ Case (“Bosnia and Herzegovina”)

Trial Chamber III – Pre-Trial Judge May

On 10 May 2002, the parties appeared before pre-trial Judge May for a Status Conference pursuant to Rule 65 *bis*. Pre-trial preparations were discussed.

Predrag BANOVIĆ and Dušan FUSTAR Case (“Keraterm Camp”)

Trial Chamber III – Pre-Trial Judge Robinson

On 10 May 2002, the parties appeared before pre-trial Judge Robinson for a Status Conference pursuant to Rule 65 *bis*. Pre-trial preparations were discussed.

II. OVERVIEW OF COURT DOCUMENTS:

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

President of Trial Chamber II - Judge Schomburg

DECISION ON JOINT MOTION TO DISQUALIFY THE TRIAL CHAMBER HEARING IN THE BRĐANIN-TALIĆ TRIAL

On 25 April 2002, the Defence filed a Joint Motion to Disqualify the Trial Chamber seized of the case (see *Weekly Update* No. 217). The Defence argued that the Trial Chamber presented the parties with potentially agreed facts that the Defence never agreed to. On 3 May 2002, the President of Trial Chamber II dismissed the Joint Motion stating that Presiding Judge Agius acted in good faith and did not create an impression of bias.

Momčilo KRAJIŠNIK and Biljana PLAVŠIĆ Case (“Bosnia and Herzegovina”)

Bench of the Appeals Chamber – Judges Gunawardana (Presiding), Güney and Meron

DECISION ON THE APPLICATION FOR LEAVE TO APPEAL

On 11 March 2002, Defence Counsel for the accused filed Motions for Leave to Appeal the Trial Chamber's Decision on the Prosecution Motion for leave to Amend the Consolidated Indictment. The accused argued, *inter alia*, that the Amended Consolidated Indictment of 7 March 2002 was lacking in the specificity required under international law, thus preventing them from preparing their case. On 6 May 2002, the Bench of the Appeals Chamber dismissed the Application and found that the Defence failed to show “good cause” within the meaning of Rule 72(B)(ii) of the Rules of Procedure and Evidence.

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

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

FIRST DECISION ON PROSECUTION MOTION FOR PROTECTIVE MEASURES FOR SENSITIVE SOURCE WITNESSES

On 3 May 2002, the Trial Chamber ordered that the 36 witnesses for whom the Prosecution made applications for protective measures be granted those measures in accordance with Rules 69 and 75 of the Rules of Procedure and Evidence as follows:

- (a) the witnesses shall be identified and referred to by the pseudonym mentioned in confidential and *ex parte* Annexes;
- (b) the statements of the witnesses and exhibits which may be disclosed through those witnesses redacted so as to remove identifying information, shall be disclosed to the accused, his appointed associates and the *amici curiae* by **26 July 2002**, unless otherwise ordered by the Trial Chamber;
- (c) the unredacted statements and related exhibits of the witnesses shall be disclosed to the accused and his appointed associates not less than ten days and in case of the *amici curiae* not less than 30 days before the witness is expected to testify;
- (d) the accused and his appointed associates shall not disclose the material to third parties except to the extent directly and specifically necessary for the preparation and presentation of the

Defence case. The *amici curiae* shall not disclose the material to third parties except to the extent directly and specifically necessary for the assistance of the Trial Chamber. The accused, his appointed associates and the *amici curiae* are required to obtain non-disclosure agreements from third parties as a precondition for release of the material to them.

Milorad KRNOJELAC Case (“Foca”)

Pre-Appeal Judge Meron

ORDER ON THE FORM OF THE DEFENCE NOTICE OF APPEAL

On 7 May 2002, the Pre-Appeal Judge ordered that Defence counsel for the Appellant Krnojelac re-file his notice of appeal within 14 days of the filing of the Order. The Judge found that Milorad Krnojelac’s notice of appeal of 12 April 2002 did not comply with the requirements of Rule 108 of the Rules of Procedure and Evidence and Article 1 of the Practice Direction on Formal Requirements for Appeals from Judgement.

Dario KORDIĆ and Mario ČERKEZ Case (“Lašva Valley”)

Pre-Appeal Judge Hunt

DECISION GRANTING LEAVE TO DARIO KORDIĆ TO AMEND HIS GROUNDS OF APPEAL

On 9 May 2002, the Pre-Appeal Judge granted Dario Kordić leave to add a new ground to his Appellant’s Brief. On 5 April 2002 in the Decision on Prosecution Application Re Amended Grounds of Appeal, Dario Kordić was directed to show “good cause” to justify such an addition.

COURTROOM SCHEDULE: 13 MAY – 17 MAY*

MONDAY 13 MAY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović/Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić** Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

TUESDAY 14 MAY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović/Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić** Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

WEDNESDAY 15 MAY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović/Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić** Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

THURSDAY 16 MAY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović/Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić** Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

FRIDAY 17 MAY

*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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