



28 June 2002

ICTY WEEKLY UPDATE – 226

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 24, 25 and 27 June 2002, there was no hearing due to the illness of the accused.

On 26 June, a hearing was held without the accused. The discussion revolved around time management and upcoming Prosecution witnesses. The Trial Chamber ruled that it will sit from 26 August until 6 September 2002 to hear the remainder of the Prosecution's case on Kosovo. The Prosecution has leave to request an additional week if it so wishes. The Trial Chamber further ordered, pursuant to its powers set out in Rule 74 *bis* of the Rules of Procedure and Evidence, a full medical examination of the accused. The report is to be made available to the Trial Chamber by **17 July 2002**. This oral Ruling was confirmed in the Trial Chamber's Scheduling Order and Order for Medical Examination of 27 June 2002 (see Overview of Selected Court Documents).

WITNESS K12 CONTEMPT HEARING

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

On 24 June 2002, the Trial Chamber convened to hear the Prosecution and the Defence for witness K12 who was held in contempt of the Tribunal pursuant to Rule 77 of the Rules of Procedure and Evidence on 4 June 2002. The hearing took place mainly in closed session. A date will be fixed for further discussion.

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

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

On 24 June 2002, the Trial Chamber convened to hear the fourteenth week of the Defence case. The Prosecution concluded the cross-examination of protected witness NM. The Defence then examined protected witness NN. The Prosecution cross-examined the witness. The hearing took place partly in closed session.

On 25 June, the Prosecution resumed its cross-examination. The Defence then examined protected witness NO who testified about events that occurred in Mostar during the second half of 1993.

On 26 June, the Prosecution cross-examined witness NO. The Defence then examined protected witness NP. The hearing took place partly in closed session.

On 27 June, the Prosecution cross-examined witness NP.

On 28 June, the Defence examined a protected witness who testified about events that occurred in Široki Brijeg in 1993. The Prosecution then cross-examined the witness.

STAKIĆ Case (“Prijeđor”)

Trial Chamber II – Judges Schomburg (Presiding), Fassi Fihri and Vassylenko

On 24 June 2002, the Trial Chamber convened to hear the twelfth week of the Prosecution case. The Defence resumed the cross-examination of witness Mevludin Sejmenović who began his testimony the previous week.

On 25 June, the Prosecution examined witness Charles McLeod, a former officer in the British Army who worked for the European Community Monitoring Mission (“ECMM”) in Bosnia and Herzegovina in 1992. Charles McLeod testified about his visits to the Trnoplje and Manjača camps.

On 26 June, the Prosecution examined witness Nermin Karagić from Rizvanovići in the Prijeđor municipality who testified about the attack on Hambarine and his arrest in 1992.

On 27 June, the Prosecution concluded its cross-examination of the witness. The Defence then cross-examined the witness.

SIMIĆ *et al.* Case (“Bosanski Šamac”)

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

On 24, 25 and 26 June 2002, the hearing took place in closed session.

OJDANIĆ and ŠAINOVIĆ Case (“Kosovo”)

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

On 24 June 2002, a hearing was held to hear the parties on the Requests for Provisional Release filed by the two co-accused.

GALIĆ Case (“Sarajevo”)

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

On 24 June 2002, the Trial Chamber convened to hear the twenty-fourth week of the Prosecution case. The Prosecution examined expert witness Dr. Stuart Turner, a British psychiatrist, who prepared a report on traumatic stress in Sarajevo during the conflict. The Defence then cross-examined the witness and the Prosecution briefly re-examined him.

On 25, 26 and 27 June, the hearing took place in closed session.

BRĐANIN and TALIĆ Case (“Krajina”)

Trial Chamber II Section A – Judges Agius (Presiding), Janu and Taya

On 24 June 2002, the Trial Chamber convened to hear the nineteenth week of the Prosecution case. The Prosecution examined witness Charles McLeod who was an ECMM monitor in Bosnia and Herzegovina in 1992 and 1993. The Defence then cross-examined the witness. The Prosecution then called witness Besim Islamčević, an employee from a drink water pump station from the municipality of Sanski Most in Bosnia and Herzegovina, who testified about the destruction of businesses in the town of Sanski Most.

On 25 June, the Prosecution resumed the examination of the witness and the Defence cross-examined him. On 26 June, the Defence resumed the cross-examination of the witness. The Prosecution subsequently re-examined the witness.

On 27 June, the hearing took place in closed session.

KVOČKA *et al.* Case (“Omarska, Keraterm and Trnopolje Camps”)

Pre-Appeal Judge Hunt

On 28 June 2002, the parties appeared before Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* (B) of the Rules of Procedure and Evidence. Pre-appeal preparations were discussed.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

Public Information Services, Legal Unit

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Tel.: +31 70 512-8750; or 512-5024 Fax: +31 70 512 5355 or 512-8668

**Not an official document
Only for public information purposes**

BRĐANIN and TALIĆ Case (“Krajina”)

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

**DECISION ON APPLICATION FOR LEAVE TO APPEAL AGAINST JUDGE SCHOMBURG’S
DECISION ON THE DISQUALIFICATION OF A JUDGE DATED 3 MAY 2002**

On 3 May 2002, the Presiding Judge of Trial Chamber II dismissed the Defence’s joint Motion to disqualify the Trial Chamber, and in particular, the Presiding Judge of the trial, Judge Agius. The Defence for Momir Talić filed an Application for leave to Appeal this Decision pursuant to Rule 73(D)(i) and (ii) of the Rules. On 20 June 2002, a Bench of the Appeals Chamber rejected the Application considering that the Applicant failed to adequately show how the Impugned Decision would cause incurable prejudice to the Applicant’s case. It further considered that the Applicant had failed to adequately show that the Impugned Decision had raised an issue of general importance to proceedings before the Tribunal or in international law generally, as required by Rule 73(D)(i) and (ii) of the Rules respectively.

SCHEDULING ORDER

On 1 May 2002, the Registrar appointed Dejan Ukropina as *amicus curiae* for investigating the issues as defined in the Order Requesting Investigation of Conduct of Co-Counsel for Defendant Brdanin dated 15 April 2002 (see *Weekly Update* No. 216).

On 26 June 2002, pursuant to Rule 54 and Rule 77 of the Rules, the Trial Chamber ordered that a preliminary hearing on the report of the *amicus curiae* be held on **10 July 2002 at 1415 hours**. During the hearing the *amicus curiae* and the counsel for the co-counsel, Ms. Maglov, will have the opportunity to make representations.

KRNOJELAC Case (“Foca”)

Pre-Appeal Judge Meron

SCHEDULING ORDER

On 20 June 2002, the Pre-Appeal Judge ordered that a Status Conference pursuant to Rule 65bis(B) of the Rules be held on Wednesday **31 July at 1630 hours**.

DECISION ON REQUESTS FOR EXTENSION OF TIME

On 20 June 2002, the Pre-Appeal Judge ordered that Krnojelac’s Brief on Appeal be filed on or before **31 July 2002** and the Brief by the Prosecution be filed on or before **22 July 2002**.

LJUBIČIĆ Case

Trial Chamber I – Judges Liu (Presiding), El Mahdi and Orié

ORDER FOR HEARING ON MOTION FOR PROVISIONAL RELEASE

On 21 June 2002, the Trial Chamber ordered that a hearing on the Motion for Provisional Release be held on Monday **1 July 2002 at 1500 hours**. The presence of the accused is requested. Pursuant to Rule 65ter(B) of the Rules, an authorised representative of the Republic of Croatia may appear before the Trial Chamber.

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

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

**DECISION ON PROSECUTION MOTIONS TO CALL ADDITIONAL WITNESSES AND FOR ORDERS
FOR PROTECTIVE MEASURES**

On 21 June 2002, the Trial Chamber issued an Order setting out protective measures requested by the Prosecution for four witnesses. It ordered, *inter alia*, that the Prosecution disclose the name and other redacted information of each of the protected witnesses to the *amici curiae* and to the accused not less than 20 days before the witness is expected to testify.

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

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

**DECISION ON REQUEST FOR GRANTING OF RECESS BEFORE COMMENCEMENT OF DEFENCE
CASE PRESENTATION**

On 18 June 2002, the Defence for Vinko Martinović requested one week of recess following the depositions in Mostar before the proceedings continue in The Hague. On 21 June 2002, the Trial

Chamber denied the Request and ordered the Defence for Martinović to confirm the list of witnesses and exhibits and to file the order of at least the first five witnesses no later than 28 June 2002.

BLAŠKIĆ Case (“Lašva Valley”)

Pre-Appeal Judge Pocar

ORDER ON NOTICE REGARDING REDACTIONS TO PROSECUTION’S RESPONDENTS BRIEF

On 21 June 2002, the Pre-Appeal Judge ordered that:

1) the public version of the Appellant’s Brief on Appeal, filed 7 March 2002, be regarded as confidential filing in all proceedings before the Tribunal. Any person who has already received a copy of it prior to this order shall treat it as such and shall not disclose it in any form to any other person. Any disregard of this Order will be subjected to proceedings under Rule 77 of the Rules.

2) the counsel for the Appellant redact the relevant parts of the public version of the Appellant’s Brief of 7 March 2002 and refile the public version of the Appellant’s Brief within 14 days of this Order.

KVOČKA *et al.* Case (Omarska, Keraterm and Trnopolje Camps”)

Pre-Appeal Judge Hunt

DECISION ON APPELLANT REQUEST FOR EXTENSION OF TIME

On 26 June 2002, the Pre-Appeal Judge granted an extension of time to Zoran Žigić until **5 July 2002** to comply with the Decision on Prosecution Motion Requesting Order to Zoran Žigić to File Grounds of Appeal (see *Weekly Update* No. 225).

OJDANIĆ and ŠAINOVIĆ Case (“Kosovo”)

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

DECISION ON APPLICATIONS OF NIKOLA ŠAINOVIĆ AND DRAGOLJUB OJDANIĆ FOR PROVISIONAL RELEASE

Nikola Šainović and Dragoljub Ojdanić filed their Applications for Provisional Release on 5 and 10 June 2002 respectively. On 19 June 2002, The Prosecution filed a response opposing the applications. This was followed by a corrigendum filed by the Prosecution on 21 June 2002, in which, in the event that the Trial Chamber granted provisional release to either or both accused, the Prosecution sought a stay of the Decision in order to appeal.

On 26 June 2002, the Trial Chamber granted the Applications for Provisional Release of Nikola Šainović and Dragoljub Ojdanić, subject to the terms and conditions as set out in the Orders for Provisional Release appended to the Decision. It further granted the Prosecution’s application for a stay pending an appeal by the Prosecution pursuant to Rule 65(D), (E), (F) and (G) of the Rules of Procedure and Evidence (See *Press Release* No. 683).

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

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

SCHEDULING ORDER AND ORDER FOR MEDICAL EXAMINATION

On 27 June 2002, the Trial Chamber confirmed and varied its oral Rulings ordering, *inter alia*, that a hearing be held on the possible application of Rule 70 of the Rules of Procedure and Evidence to certain Prosecution witnesses on Friday **5 July 2002**. The hearing will be held in closed session and a representative of the government concerned may be present at the hearing.

Pursuant to Rule 73 *bis* of the Rules, the Trial Chamber shall hold a Pre-Trial Conference relating to the portions of the case concerning Bosnia and Croatia on Thursday **18 July 2002**.

COURTROOM SCHEDULE: 1 JULY – 5 JULY*

MONDAY 1 JULY

Courtroom I 09:00 - 13:45, **Martinović and Naletilić**, Trial
15:00, **Ljubčić**, Hearing on Provisional Release
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Simić *et al.***, Trial
14:15 - 19:00, **Brđanin and Talić**, Trial

TUESDAY 2 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović and Naletilić**, Trial

Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
14:15 - 19:00, **Brđanin and Talić**, Trial

WEDNESDAY 3 JULY

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

THURSDAY 4 JULY

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

FRIDAY 5 JULY

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

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<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).

PRESS RELEASES ISSUED SINCE 13 JUNE

DATE	NUMBER	TITLE	E	F	B/C/S
27 June 2002	683	DRAGOLJUB OJDANIĆ AND NIKOLA ŠAINOVIĆ GRANTED PROVISIONAL RELEASE PENDING APPEAL BY THE PROSECUTION	E		B/C/S
27 June 2002	684	THE THIRD DIPLOMATIC SEMINAR HOSTED BY THE ICTY FOCUSES ON THE DEVELOPMENT OF A "COMPLETION STRATEGY"	E	F	B/C/S

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