



30 August 2002

## ICTY WEEKLY UPDATE – 232

### 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 26 August 2002, the Trial Chamber convened to hear the 20th week of the Prosecution case. The Prosecution introduced the statement of Rule 92 *bis* witness Muharrem Dashi, a teacher from the Kosovo village of Stagovo, who was a civilian member of the Kosovo Liberation Army (“KLA”) in 1999. The Accused and an *amicus curiae* cross-examined the witness.

The Prosecution then examined witness Sadik Xhemajli from the village Izbica in the Skenderaj municipality, who testified about Serb attacks on villages in the region in 1998 and 1999. The Accused then cross-examined the witness.

On 27 August, the Accused resumed his cross-examination. An *amicus curiae* then cross-examined the witness and the Prosecution re-examined him.

The Prosecution then examined witness Musa Krasniqi, a teacher of physics from Barani in the Peja municipality who testified about his detention in Dubrava prison in 1998 and 1999. The Accused and an *amicus curiae* cross-examined the witness.

The Prosecution then introduced the statement of Rule 92 *bis* witness Jacky Rowland, a BBC journalist who visited Dubrava Prison in Kosovo in 1999.

On 28 August, the Accused and an *amicus curiae* cross-examined the witness. The Judges then briefly questioned the witness.

The Prosecution then examined witness Lirij Imeraj who testified about the shelling of the Kosovo village of Padalishtë in 1998 and the killing of members of her family in 1999. The Accused and an *amicus curiae* then cross-examined the witness.

The Prosecution then re-called witness Adnan Merovci, assistant to President Rugova, who testified on 23 May 2002 (see *Weekly Update* No.221). The Accused cross-examined the witness on video footage of an interview with the witness.

On 29 August, the Prosecution introduced the statement of Rule 92 *bis* witness Beqe Beqaj from the municipality of Gjakove in Kosovo who testified about deportations and killings by the Yugoslav Army in his municipality in 1998 and 1999. The Accused then cross-examined the witness.

The Prosecution then introduced the statement of Rule 92 *bis* witness Milaim Cekaj, an engineer from the municipality of Decani in Kosovo, who joined the KLA as a weapons instructor and commander of a company in 1998. The witness was detained in Dubrava prison in 1999. The Accused and an *amicus curiae* cross-examined the witness.

The Prosecution then introduced the statement of Rule 92 *bis* witness Ismet Haxhiavdija from the Gjakove municipality who testified about killings that took place in his municipality in 1999. The Accused then cross-examined the witness and the Prosecution briefly re-examined him.

The Prosecution then introduced the statement of Rule 92 *bis* witness Martin Pnishi from Meja in the Gjakove municipality who testified about killings in his town in 1999.

On 30 August, the Accused cross-examined the witness. The Prosecution then introduced the statement of Rule 92 *bis* witness Gani Baqaj who was a member of the KLA. The witness was detained in Dubrava prison in 1998.

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**BRĐANIN and TALJIĆ Case (“Krajina”)**

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

On 26 August 2002, the Trial Chamber convened to hear the 24th week of the Prosecution case. The Prosecution examined witness Husein Čajić from Biljani in the Ključ municipality.

On 27 August, the Defence cross-examined witness Husein Čajić. The Trial then went into closed session.

On 28 and 29 August, the Trial Chamber heard a protected witness in closed session.

On 30 August, the Prosecution examined witness Muhamed Filipović who testified about the situation of the municipality of Ključ at the start of the conflict in Bosnia and Herzegovina.

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**STAKIĆ Case (“Priedor”)**

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

On 26 August 2002, the Trial Chamber convened to hear the 17th week of the Prosecution case. The Prosecution examined witness X from the village of Biscani in the Prijedor municipality.

On 27 August, the Defence cross-examined witness X.

On 28 August, the Prosecution examined witness Jusuf Arifagić from Kozarac in the Prijedor municipality who testified about the situation in the Kozarac area in 1992. The Defence then cross-examined the witness.

On 29 August, the Defence resumed its cross-examination.

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

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

On 26 August 2002, the Trial Chamber convened to hear the Defence case. The Defence examined protected witness NU, a medical doctor who visited the Heliodrom Camp in 1993, via a video-link. The Prosecution then cross-examined the witness.

On 27 August, the Defence examined protected witness NV via video-link. The Prosecution then cross-examined the witness.

On 28 August, the Prosecution concluded its cross-examination. The court then adjourned to Monday **2 September**.

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**KRSTIĆ Case (“Srebrenica – Drina Corps”)**

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*Pre-Appeal Judge Hunt*

On 27 August 2002, the parties appeared before Judge Hunt for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Pre-appeal preparations were discussed.

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**BANOVIĆ *et al.* Case (“Keraterm Camp”)**

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

On 30 August 2002, the parties are scheduled to appear before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

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**GRUBAN *et al.* Case (“Omarska Camp”)**

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

On 30 August 2002, the parties are scheduled to appear before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

## II. OVERVIEW OF SELECTED COURT DOCUMENTS:

### **TADIĆ Case (“Prijeđor”)**

*Appeals Chamber – Judges Jorda (Presiding), Güney, Gunawardana, Pocar and Liu*

#### **DECISION ON MOTION FOR REVIEW**

On 18 June 2001, Duško Tadić filed a “Request for Review of my Complete Case and Review of the Trial Chamber and Appeals Chamber Proceedings Conducted Before the Hague Tribunal”. The Request was re-submitted in a more detailed form by counsel for Tadić on 5 October 2001. On 30 July 2002, the Appeals Chamber dismissed the Request.

### **MARTIĆ Case (“Zagreb Bombing”)**

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

#### **DECISION ON APPEAL AGAINST DECISION OF REGISTRY**

On 26 June 2002, Counsel Strahinja Kastratović filed an Appeal against the Decision of the Registry to assign Gert-Jan Knoops to Milan Martić. On 2 August 2002, the Trial Chamber remitted the matter to the Registry and on 16 August, the Deputy Registrar withdrew the assignment of Gert-Jan Knoops as counsel and assigned Strahinja Kastratović as counsel to the Accused.

### **LJUBIČIĆ Case**

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

#### **DECISION ON DEFENCE MOTION FOR PROVISIONAL RELEASE OF THE ACCUSED**

On 15 April 2002, the Defence for Paško Ljubičić filed a Motion for Provisional Release. The Trial Chamber dismissed the Motion on 2 August 2002.

### **MRKŠIĆ Case (“Vukovar Hospital”)**

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

#### **DECISION ON APPLICATION FOR LEAVE TO APPEAL**

On 24 July 2002, Trial Chamber II rejected the Accused’s request for provisional release. On 30 July, the Defence for Mile Mrkšić filed a Request for Leave to File an Interlocutory Appeal. On 26 August, a Bench of the Appeals Chamber granted the Application.

### **BLAGOJEVIĆ *et al.* Case (“Srebrenica”)**

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

#### **DECISION ON APPLICATION BY BLAGOJEVIĆ FOR LEAVE TO APPEAL and DECISION ON APPLICATION BY OBRENOVIĆ FOR LEAVE TO APPEAL**

On 22 July 2002, Trial Chamber II rejected Blagojević’s and Obrenović’s requests for provisional release. The Accused filed Applications for Leave to Appeal on 24 July and 30 July respectively. On 27 August, a Bench of the Appeals Chamber granted the Applications.

## **COURTROOM SCHEDULE: 2 SEPTEMBER TO 6 SEPTEMBER\***

### **MONDAY 2 SEPTEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 09:30 - 13:00, **Stakić**, Trial  
14:30 - 16:00, **Stakić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial (Video Link Zagreb)  
14:15 - 19:00, **Simić *et al.***, Trial (Video Link Zagreb)

### **TUESDAY 3 SEPTEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 09:30 - 13:00, **Stakić**, Trial  
14:30 - 16:00, **Stakić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial (Video Link Zagreb)  
14:15 - 19:00, **Simić *et al.***, Trial

### **WEDNESDAY 4 SEPTEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 09:30 - 13:00, **Stakić**, Trial

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14:30 - 16:00, **Stakić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial  
14:15 - 19:00, **Simić et al.**, Trial

**THURSDAY 5 SEPTEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 09:30 - 13:00, **Stakić**, Trial  
14:30 - 16:00, **Stakić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial  
14:15 - 19:00, **Simić et al.**, Trial

**FRIDAY 6 SEPTEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 09:30 - 13:00, **Stakić**, Trial  
14:30 - 16:00, **Stakić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial  
14:15 - 19:00, **Simić et al.**, 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).

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