



1 November 2002

ICTY WEEKLY UPDATE – 241

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)

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

6th week of the Prosecution case.

From 29 October to 31 October 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *amici curiae*:

- Witness Slobodan Lazarević
- Witness Mustafa Čandić

Due to complaints of exhaustion from the Accused the hearing on 1 November 2002 was cancelled.

BRĐANIN Case (“Krajina”)

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

20th week of the Prosecution case.

On 28 and 29 October 2002, the hearing took place mainly in closed session. On 30 October and 31 October 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Kerim Mešanović

GALIĆ Case (“Sarajevo”)

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

4th week of the Defence case.

From 28 October to 1 November 2002, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Protected witness DP10
- Protected witness DP9
- Witness Gordan Vuković
- Protected witness DP8
- Witness Izo Golić

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

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

From 28 October to 31 October 2002, the parties presented their closing arguments. The trial then closed. The judgement will be pronounced in due course.

MUČIĆ *et al.* Case (“Čelebići”)

Judge Hunt

On 28 October 2002, the parties appeared before Judge Hunt for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

KVOČKA *et al.* Case (“Omarska Camp”)

Pre-Appeal Judge Hunt

On 28 October 2002, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

HALILOVIĆ Case (“Grabovica - Uzdol”)

Pre-Trial Judge Kwon

On 29 October 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.

DERONJIĆ Case (“Glogova”)

Pre-Trial Judge Mumba

On 30 October 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.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

DERONJIĆ Case (“Glogova”)

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

DECISION ON FORM OF THE INDICTMENT

On 25 October 2002, the Trial Chamber granted the Defence Motion of 2 August in part setting out the terms of the amendment to the Indictment.

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

Appeals Chamber – Judges Jorda (Presiding), Shahabuddeen, Hunt, Pocar and Meron

PUBLIC VERSION OF THE CONFIDENTIAL DECISION ON THE INTERPRETATION AND APPLICATION OF RULE 70

On 23 October 2002, the Appeals Chamber quashed the impugned Decision (filed confidentially on 25 July 2002). It further ordered that the evidence of the Witness in question shall be heard in accordance with Rule 70 and that two representatives of the Government may be present in the courtroom during the testimony of the Witness.

KRAJIŠNIK and PLAVŠIĆ Case (“Bosnia and Herzegovina”)

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

DECISION ON ACCUSED MOMČILO KRAJIŠNIK’S MOTIONS TO PRECLUDE USE OF RULE 63 STATEMENTS OF THE CO-ACCUSED BILJANA PLAVŠIĆ AND TO COMPEL THE PROSECUTION TO ELECT WHETHER TO APPLY TO CALL HER AS A WITNESS

On 28 October 2002, the Trial Chamber denied the Defence Rule 63 Motion and the “Motion to Elect as to a Witness”. It further ordered, *inter alia*, that the Prosecution shall, in the event that it forms the intention to call Biljana Plavšić as a witness, apply to do so and notify the parties as soon as is practicable. The Defence filed the “Motion for an Order Precluding Use of Plavšić Rule 63 Statements” on 22 August 2002 and the “Motion for Order Directing the Prosecution to Forthwith Elect as to a Witness” on 3 September 2002.

OJDANIĆ and ŠAINOVIĆ Case (“Kosovo”)

Appeals Chamber – Judges Shahabuddeen (Presiding), Hunt, Güney, Pocar and Meron

DECISION ON PROVISIONAL RELEASE

On 30 October 2002, the Appeals Chamber allowed the Prosecution appeal and quashed the Impugned Decision of 16 July 2002 that granted provisional release. It revised the Impugned Decision by denying the provisional release of Nikola Šainović and Dragoljub Ojdanić. Judge Shahabuddeen appended a separate opinion and Judge Hunt appended a dissenting opinion to the Decision.

BRĐANIN Case (“Krajina”)

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

DECISION ON “MOTION FOR RELIEF FROM RULE 68 VIOLATIONS BY THE PROSECUTOR AND FOR SANCTIONS TO BE IMPOSED PURSUANT TO RULE 68 BIS AND MOTION FOR ADJOURNMENT WHILE MATTERS AFFECTING JUSTICE AND A FAIR TRIAL CAN BE RESOLVED”

On 30 October 2002, the Trial Chamber granted the Motion in part and instructed, *inter alia*, that the Prosecution disclose the original versions of any exculpatory material previously disclosed in summarised form by not later than 13 November 2002.

STAKIĆ Case (“Priedor”)

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

DECISION ON RULE 98 BIS MOTION FOR JUDGEMENT OF ACQUITTAL

On 30 October 2002, the Trial Chamber granted the “Defendant Milomir Stakić’s Motion for Acquittal Pursuant to Rule 98 *bis*” insofar as the Accused is acquitted of the charge of instigation in relation to counts 3 through 8 of the Indictment. It dismissed the remaining issues raised in the Motion. The Trial Chamber also dismissed the factual allegations in paragraphs 44(4), 54(3)(a)(ix), 54(3)(a)(xi), 54(3)(b)(i) and 54(3)(b)(iii) of the Indictment and it replaced the Annex to the Indictment with a revised Annex (list of victims).

President of the Tribunal – Judge Jorda

ORDONNANCE DU PRÉSIDENT PORTANT AFFECTATION D’UN JUGE AD LITEM À UN PROCÈS

On 31 October 2002, the President of the Tribunal assigned *ad litem* Judge, Carmen María Argibay, to the case of the *Prosecutor v. Milomir Stakić* to replace *ad litem* Judge Mohamed Fassi Fihri. Trial Chamber II, Section III, will now consist of:

Judge Wolfgang Schomburg (Presiding)

Judge Volodymyr Vassylenko

Judge Carmen María Argibay

BLASKIĆ Case (“Lašva Valley”)

Appeals Chamber – Judges Pocar (Presiding), Hunt, Güney, Gunawardana and Meron

SCHEDULING ORDER

Following the (confidential) filing by the Appellant, Tihomir Blaškić, of three Motions between 19 January 2001 and 10 June 2002, the Appeals Chamber issued an Order on 31 October 2002 stating, *inter alia*, the following:

“Considering that, given the sheer volume of clearly admissible evidence, the possible submission of rebuttal evidence and recalling of witnesses who testified at trial, as well as the potential of the additional evidence to bring about a re-determination of the facts of the case, it would be more appropriate for any re-determination of the facts in the particular circumstances of this case to be made by a Trial Chamber;

Considering that, in the event that a new trial is ordered, all of the additional evidence tendered before the Appeals Chamber may be tendered at that new trial, irrespective of the restrictions imposed by Rule 115;

Hereby orders the parties to present oral argument limited to the issue of whether the above-mentioned clearly admissible evidence justifies a new trial by a Trial Chamber, on some or all of the counts.”

The Appeals Chamber scheduled a hearing for **21 November 2002**.

COURTROOM SCHEDULE: 4 NOVEMBER TO 8 NOVEMBER 2002

MONDAY 4 NOVEMBER

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:30, **Milošević**, Trial
Courtroom II 14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin**, Trial

TUESDAY 5 NOVEMBER

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:30, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
09:00 - 13:45, **Stanković**, Status Conference
Courtroom III 09:00 - 13:45, **Brđanin**, Trial

WEDNESDAY 6 NOVEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin**, Trial

THURSDAY 7 NOVEMBER

Courtroom I 14:30 - 15:30, **Dragan Nikolić**, Status Conference
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Simić et al.**, Pre-Defence Conference

FRIDAY 8 NOVEMBER

Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin**, 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.

Public proceedings are also broadcast with a 30 minutes delay on the ICTY 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).

PRESS RELEASES ISSUED SINCE 23 OCTOBER

DATE	NUMBER	TITLE	E	F	B/C/S
29/10/02	707	ADDRESS BY HIS EXCELLENCY, JUDGE CLAUDE JORDA, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UNITED NATIONS GENERAL ASSEMBLY	E	F	B/C/S
30/10/02	708	ADDRESS BY HIS EXCELLENCY, JUDGE CLAUDE JORDA, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UNITED NATIONS SECURITY COUNCIL	E	F	B/C/S
30/10/02	709	ADDRESS BY THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA, MRS. CARLA DEL PONTE, TO THE UNITED NATIONS SECURITY COUNCIL	E		B/C/S

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