



16 JULY 1999

ICTY WEEKLY UPDATE – 86

PROCEDURAL DEVELOPMENTS: 12 JULY – 16 JULY

I. OVERVIEW OF COURT PROCEEDINGS

TADIĆ CASE

Appeals Chamber – Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba

On Thursday the Appeals Chamber pronounced its Judgement on the appeal lodged by the accused Duško Tadić, and the cross-appeal lodged by the Prosecution, against the Judgement of Trial Chamber II on 7 May 1997 (see Press Release No. 419).

KUPREŠKIĆ & OTHERS CASE

Trial Chamber II – Judges Cassese (Presiding), May and Mumba

The Trial Chamber commenced the week's proceedings, with the testimony of anthropologist Ms. Tone Bringa, called by the Defence. Ms. Bringa, who has written a book entitled "We were all neighbours", gave evidence regarding the changing relationship between the Muslims and Croats in Bosnia.

After Ms. Bringa had completed her testimony on Tuesday, the Trial Chamber heard the testimony of Mr. Dragan Majstorović, who was called by Zoran Kupreškić and gave evidence in open session regarding the compilation of HDZ and HVO lists. On Wednesday, the Trial Chamber called General Blaškić as a witness. The session was closed to the public as confidential information was discussed.

After the completion of General Blaškić's testimony, the Trial Chamber began to hear the testimony of Zoran Kupreškić in open session. The accused gave evidence regarding his patrols around Ahmići, particularly the relationship between Croats and Muslims and the fighting of 20 October 1992 and 16 April 1993. His examination-in-chief continued throughout Thursday and Friday.

BRĐANIN CASE

Trial Chamber II – Judges Cassese (Presiding), Mumba and Hunt

On Monday, the initial appearance of the accused detained by SFOR on 6 July 1999 (see Press Release No. 414) was held. The accused pleaded "not guilty" to the charge against him contained in the indictment. At the request of the Prosecution, the indictment is to be amended to reflect the true spelling of the accused's name, ie. Radoslav rather than Radislav Brđanin. A date for trial will be set in due course.

KORDIĆ & ČERKEZ CASE

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

On Monday the Trial Chamber continued to hear the testimony of the Prosecution witness who began giving evidence on Thursday 8 July 1999. The witness, a neighbour of Dario Kordić in Busovača and former detainee in Kaonik Prison, completed his testimony on Tuesday. The session was open to the public although protective measures were granted in the form of a pseudonym and facial distortion.

Mr. Charles McLeod, a member of UNPROFOR BRITBAT in Bosnia and witness earlier in the case, gave further testimony before the Trial Chamber on Wednesday.

Internet address: <http://www.un.org/icty>

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The Trial Chamber concluded the week's proceedings on Thursday with the testimony of Mr. Eshan Bajwa, an OTP investigator who worked in the Lašva Valley verifying witness statements. While giving evidence earlier in the trial, Dr. Muhamed Mujezinović had asserted that the translation of his statement was inaccurate. Thus, Mr. Bajwa was called by the Prosecution with regard to this statement.

SIKIRICA & OTHERS CASE

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

On Tuesday the initial appearance of Dragan Kolundžija resumed. The Trial Chamber had adjourned the initial appearance of 14 June 1999 in order to hold an evidentiary hearing on 24 June 1999 as to the identity of the accused (see Press Releases No. 410, 15 June 1999 and No. 411, 25 June 1999).

At his initial appearance Dragan Kolundžija pleaded "not guilty" to all counts charged against him in the indictment. The Trial Chamber ordered that Prosecution disclosure should take place by 12 August 1999, and all Preliminary Motions be filed within 30 days of that disclosure. A Status Conference was set for Tuesday 28 September 1999 at 2.30 p.m.

II. OVERVIEW OF COURT DOCUMENTS

BRĐANIN CASE

PRE-TRIAL JUDGE DESIGNATED

In an Order dated 12 July 1999, Trial Chamber II (Judges Cassese (Presiding), Hunt and Mumba) designated Judge David Hunt as pre-trial Judge for the Brđanin case.

KORDIĆ & ČERKEZ CASE

PRECAUTIONARY APPLICATION FOR LEAVE TO APPEAL SCHEDULING ORDER DENIED

On 12 July 1999, a Bench of the Appeals Chamber (Judges Wang (Presiding), Vohrah and Nieto-Navia) denied Kordić's precautionary application for leave to appeal the Trial Chamber's scheduling order of 18 June 1999, filed on 25 June 1999 (see Update No. 85). The Bench considered that no issue of general importance has arisen at this stage and that the applicant has not shown that prejudice has been caused to the Defence by implementing the Scheduling Order.

TADIĆ CASE

SCHEDULING ORDER ISSUED

On 15 July 1999, further to the Judgement issued in the Tadić Appeal on the same day (see above), the Appeals Chamber (Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba) ordered that the sentencing hearing will be held on 30 August 1999 at 2.30 p.m., and the hearings in the matter of allegations of contempt brought against Mr. Vujin, former counsel for Tadić, (see Update No. 84) will resume on 31 August 1999 at 10 a.m.

KUPREŠKIĆ & OTHERS CASE

APPEAL AGAINST RULING TO PROCEED BY DEPOSITION GRANTED

Pursuant to an Appeal by Dragan Papić from an oral decision of Trial Chamber II (Judges Cassese (Presiding), May and Mumba) that, in the absence of one of its Judges through illness, evidence was to be taken by deposition with the two other Judges of the Chamber acting as Presiding Officers for that purpose. On 15 July 1999, the Appeals Chamber (Judges Vohrah (Presiding), Wang, Nieto-Navia, Hunt and Bennouna) allowed the appeal and directed the Trial Chamber to hear the defence witnesses whose deposition was taken should the appellant so request. The Appeals Chamber held *inter alia* that the ruling as to the taking of the deposition was "null and void" since it was rendered by only two Judges, and the accused did not give his consent to depositions being taken.

Judge David Hunt issued a separate Opinion agreeing with the joint Decision allowing the appeal, but detailing his own reasoning.

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COURTROOM SCHEDULE: 19 – 23 JULY

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
Courtroom II	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	14.30-17.15 TC III Kordic/Cerkez Trial	14.30-17.15 TC III Kordic/Cerkez Trial	14.30-17.15 TC III Kordic/Cerkez Trial	14.30-17.15 TC III Kordic/Cerkez Trial	No proceedings
Courtroom III	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings

*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.

PRESS RELEASES ISSUED SINCE 9 JULY

DATE	NUMBER	TITLE
15/07/99	419	TADIC CASE: THE JUDGEMENT OF THE APPEALS CHAMBER

For the latest list of all court filings, please visit the [ICTY Court Records](#)

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