



23 December 1999

ICTY WEEKLY UPDATE – 107

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS SCHEDULED FOR EARLY 2000

A) APPEAL STAGE:

TADIĆ CASE

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

On 15 July 1999, the Appeals Chamber handed down its Judgement finding the accused guilty of nine additional counts of grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute of the Tribunal), crimes against humanity (Article 5) and violations of the laws or customs of war (Article 3).

The issue of sentencing on the additional counts was referred to a Trial Chamber which, on 11 November 1999, imposed a sentence of 25 years' imprisonment.

The Appeals Chamber has joined the appeal against the sentence handed down by the Trial Chamber in 1997, and the appeal against sentence on the additional counts. Oral arguments on the matter have been scheduled to take place on **14 January 2000** commencing at **11.00 a.m.**

Contempt hearings against Vujin commenced on 30 March 1999 (see Press Release No. 338) and concluded on 18 November 1999. The Appeals Chamber has now adjourned to consider its decision on the contempt allegations.

ALEKSOVSKI CASE

Appeals Chamber – Judges May (Presiding), Wang, Mumba, Hunt and Robinson

Further to pronouncing its Judgement on 7 May 1999 (see Press Release No. 400), Trial Chamber I *bis* (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia), rendered its written Judgement on 25 June 1999.

Aleksovski was found not guilty on the two counts of grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute of the Tribunal) but found guilty on the basis of both individual criminal responsibility (Article 7(1)) and superior criminal responsibility (Article 7(3)) of violations of the laws or customs of war (Article 3 of the Statute), namely, outrages upon personal dignity. The Trial Chamber consequently imposed a sentence of two years' and six months' imprisonment.

On 17 and 19 May 1999 respectively, the Defence and Prosecution filed notices of appeal against both the Judgement and sentence. Appeal briefs were filed on 24 September 1999. The hearing for the appeal has been scheduled to take place on **9 February 2000** at **9.30 a.m.**

Re: Anto Nobile's appeal against the decision of Trial Chamber I dated 11 December 1998, in which Mr. Nobile was found to be in contempt of the Tribunal and fined 10,000 guilders. Both parties have been ordered to file statements indicating whether they request that the Appeals Chamber hear oral arguments on the appeal and, in the event that they do not so request, whether they wish to file additional written submissions prior to the Appeals Chamber's determination of the appeal, by 14 January 2000.

B) AWAITING JUDGEMENT:

BLAŠKIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Shahabuddeen and Rodrigues

The Trial Chamber adjourned on 26 July 1999 to consider its Judgement.
A status conference was held on 30 November 1999 in closed session.

KUPREŠKIĆ & OTHERS CASE

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

The Trial Chamber heard closing arguments from 9 to 11 November 1999 (see Update No. 101) and has now adjourned to consider its Judgement which will be rendered on **14 January 2000 at 9.00 a.m.**

C) ON-GOING TRIAL:

KORDIĆ & ČERKEZ CASE

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

The trial commenced on 12 April 1999 and is on-going with the Prosecution currently presenting its case-in-chief. The Trial Chamber adjourned on 9 December 1999 for the holiday period. So far, the Trial Chamber has sat for 102 days and heard the testimony of 70 witnesses in this case. The hearings are scheduled to resume on **10 January 2000 at 9.30 a.m.**

D) PRE-TRIAL:

KOLUNDŽIJA & DOŠEN CASE

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

The next status conference will take place on **24 January 2000 at 2.30 p.m.**

SIMIĆ & OTHERS CASE

Trial Chamber III – Judges Robinson (Presiding), Hunt and Bennouna

The last status conference was held on 23 November 1999 in open session (see Update No. 103).

On 29 September 1999, the Trial Chamber began to hear contempt allegations against Milan Simić and his counsel Mr. Avramović (see update No. 95). The proceedings concluded on 2 December 1999 (see Update No. 104). The Trial Chamber has now adjourned to consider its decision.

KUNARAC & KOVAČ CASE

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

The last status conference took place on 14 December 1999 in open session during which it was decided that the start of the trial will be postponed until **20 March 2000** to allow counsel for Kovač to prepare his defence. The Prosecution filed its pre-trial brief on 9 December 1999.

KRNOJELAC CASE

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

The next status conference will be held on the **11 January 2000 at 10.00 a.m.**

KVOČKA & OTHERS CASE

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

The next status conference will take place in closed session on **21 January 2000 at 10 a.m.**

MARTINOVIĆ CASE

Trial Chamber I – Judges Rodrigues (Presiding), Riad and Wald

The next status conference will take place on **20 January 2000 at 10.00 a.m.**

BRDANIN & TALIC CASE

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

On 17 December 1999, Judge Rodrigues, confirmed an amended indictment submitted by the Prosecutor on 19 November and 16 December 1999.

The amended indictment charges the accused on the basis of both individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3)) with two counts of genocide, five counts of crimes against humanity, two counts of violations of the laws or customs of war and three counts of grave breaches of the 1949 Geneva Conventions for the “ethnic cleansing” of non-Serbs from the Autonomous Region of Krajina between April and December 1992.

Both accused will attend a further initial appearance hearing which has been scheduled to take place on **11 January 2000 at 10.30 a.m.**

GALIC CASE

Trial Chamber I – Judges Rodrigues (Presiding), Riad and Wald

Stanislav Galić was detained by SFOR on 20 December 1999 pursuant to a sealed indictment. His initial appearance will take place on **29 December 1999 at 11.00 a.m.**

II. OVERVIEW OF COURT DOCUMENTS

KUPREŠKIĆ & OTHERS CASE

MOTIONS FOR PROVISIONAL RELEASE DENIED

On 20 December 1999, Trial Chamber II (Judges Cassese (Presiding), May and Mumba) denied motions for provisional release filed by Šantić, Papić, Zoran and Mirjan Kupreškić on 15 December 1999.

The Trial Chamber was not satisfied that the accused would not try to interfere with the witnesses and victims, and that they would appear for delivery of the Judgement. With regard to Šantić and Zoran and Mirjan Kupreškić, the Trial Chamber also deemed the danger of the accused absconding now, shortly before the Judgement, too high to allow their provisional release.

MARTINOVIĆ CASE

LEGAL AID GRANTED IN PART

On 21 December 1999, the Deputy-Registrar, Jean-Jacques Heintz, partially granted Martinović's new request for assignment of counsel. A previous request was denied on appeal by Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) on 12 October 1999 (see Update No. 104).

Legal aid has been granted with regard to the cost of hiring one legal assistant and up to two investigators, and case related travel expenses along with daily subsistence allowance applied to the number of days of work necessarily and reasonably performed by all members of the defence team.

COURTROOM SCHEDULE: 27 DEC 1999 – 14 JAN 2000*

WEDNESDAY 29 DECEMBER 1999

Courtroom III 11:00, **Stanislav Galić**, Initial Appearance

January 2000

MONDAY 10 JANUARY 2000

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

TUESDAY 11 JANUARY

Courtroom II 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom III 10:30, **Brdanin/ Talic** Further initial appearance

WEDNESDAY 12 JANUARY

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

FRIDAY 14 NOVEMBER

Courtroom III 09:00, **Kupreskic et al.**, Judgement
11:00, **Tadic**, Oral arguments, sentencing appeal

*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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PRESS RELEASES ISSUED SINCE 17 DECEMBER

DATE	NUMBER	TITLE
22/12/99	457	STATEMENT BY MADAME CARLA DEL PONTE, PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
20/12/99	456	STANISLAV GALIC DETAINED BY SFOR IN BOSNIA AND HERZEGOVINA
17/12/99	455	STATEMENT BY THE OFFICE OF THE PROSECUTOR

Correction: The reference to the *Kunarac & Kovač* case in the procedural developments section of Weekly Update No. 105 was incorrect. The preliminary conference to discuss the deposition procedure was in fact held in the *Kvočka & others* case.

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

For a selection of the latest public documents, please visit the [ICTY Website](#)