



24 March 2000

## ICTY WEEKLY UPDATE – 118

### LAST MINUTE NEWS:

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#### ALEKSOVSKI CASE

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

On Friday 24 March 2000, the Appeals Chamber increased Aleksovski's sentence to seven years' imprisonment (see Press Release No. 481).

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS

#### KUNARAC, KOVAČ & VUKOVIĆ CASE ("FOČA")

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

The trial of Dragoljub Kunarac, Radomir Kovač and Zoran Vuković commenced on Monday 20 March.

After its opening statement the Prosecution called its first witness, Ms. Tejshree Thapa, a Research Officer who has worked with the Office of the Prosecutor as an investigator on the Foča case since 1995 recording witness statements and collecting documentary evidence. Her testimony concluded on Monday.

On Tuesday 21 March, "Witness 33", a Muslim medical doctor testified regarding events leading up to the outbreak of war in Foča in 1992. His cross-examination concluded the following day.

Mr. Safet Avdić, a Muslim who lived in Foča until the war, began to testify on Wednesday 22 March. His cross-examination concluded on Thursday 23 March after which the Trial Chamber heard the testimony of "Witness 52".

"Witness 52" lived in Foča, his daughter and wife are both victims who will testify later in the proceedings. The cross-examination of "Witness 52" will resume on Monday 27 March.

#### KRSTIĆ CASE

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

The trial of Radislav Krstić entered its second week of hearings on Monday 20 March with the Trial Chamber continuing to hear the testimony of Mr. Jean-Rene Ruez, an investigation team leader at the ICTY who, since 1995, has worked exclusively on the Srebrenica investigation.

Mr. Ruez's testimony was followed by that of a protected Prosecution witness, in closed session.

On Tuesday 21 March, Mr. Nesib Mandžić, who was the head teacher at the secondary school in Srebrenica in July 1995, testified regarding the attack on Srebrenica in July 1995. His cross-examination was completed on Wednesday.

On Wednesday 22, and concluding on Thursday 23 March, the following witness, Mrs. Camila Omanović, a Muslim resident of Srebrenica, testified regarding events in the area in July 1995.

The Trial Chamber then began to hear the testimony of a protected Prosecution witness in closed session. This witness' testimony continued on Friday 24 March.

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## **II. OVERVIEW OF COURT DOCUMENTS**

### **BLAŠKIĆ CASE**

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#### BLASKIC FILES NOTICE OF APPEAL

On 17 March 2000, Blaškić filed a notice of appeal against the Judgement and sentence handed down by Trial Chamber I on 3 March 2000 (see Press Release No. 474).

### **KORDIĆ & ČERKEZ CASE**

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#### ACCUSED FILE MOTIONS FOR JUDGEMENT OF ACQUITTAL

On 17 March 2000, Kordić and Čerkez filed motions for a Judgement of acquittal following the close of the Prosecution case-in-chief on 9 March 2000.

In their respective accompanying briefs (Kordić's was filed confidentially) the accused argue that the evidence submitted by the Prosecution is insufficient to sustain a conviction on the offences for which the accused have been charged and there is therefore no case to answer on those counts. The accused asked that charges against them be dismissed. Kordić requested that he be released forthwith from custody.

A hearing on this matter has been scheduled to take place on **Thursday 30 March 2000 at 9.30 a.m.** in Courtroom I.

### **KUNARAC, KOVAČ & VUKOVIĆ CASE**

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#### DECISION ISSUED ON KOVAC'S APPEAL

On 20 March 2000, Judge Rodrigues, exercising the functions of the President of the Tribunal, declared that the President does not have competence to revise the decision of the Registrar on the position of Mr. Milan Vujin as counsel for Kovač, dated 14 February 2000.

Judge Rodrigues further stated that this matter had already been decided upon by Trial Chamber II (Judges Mumba (Presiding), Hunt and Pocar) on 14 March 2000 (see Update No. 117).

#### DEFENCE MOTION FOR CLOSED SESSION HEARINGS FOR CERTAIN PROSECUTION WITNESSES DENIED

On 22 March 2000, the Trial Chamber denied the joint confidential motion filed by the defence on 14 March 2000, in which the accused requested that the press and public be excluded from parts of the proceedings when certain specified Prosecution witnesses testify.

The Trial Chamber was of the view that it is of great importance that proceedings before the Tribunal should be as public as possible and non-public proceedings should be the exception. *“Over and above the reasons that public proceedings facilitate public knowledge and understanding and may have a general deterrent effect, the public should have the opportunity to assess the fairness of the proceedings. Justice should not only be done, it should also be seen to be done”*.

### **JELISIĆ CASE**

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#### ORDER ON JELISIC'S REQUEST TO APPEAL HIS ACQUITTAL OF GENOCIDE

On 21 March 2000, the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Wang, Nieto-Navia and Wald) ordered the Defence not to raise arguments in its Appellant brief relating to the acquittal on the count of genocide.

Jelisić had filed a notice of cross-appeal against the Trial Chamber's oral Judgement of 19 October 1999 and a notice of appeal against the sentence and Judgement handed down on 14 December 1999. The notices were filed on 26 October 1999 and 15 December 1999 respectively (see Update No. 106).

On 20 December 1999, the Prosecution filed a motion for clarification of the right of Jelisić to file two notices of appeal. In response to this motion the defence requested the Trial Chamber to strike out the Prosecution's notice of appeal against the acquittal, filed on 21 October 1999, on the basis that the Prosecution had not served it on the Defence directly.

The Trial Chamber considered that an acquitted person has no right to appeal acquittals, however, stated that the defence may seek to support the acquittal on additional grounds in its Respondent's brief if the Prosecutor relies on a particular ground to reverse the acquittal in her Appellant's Brief.

With regard to the defence request for striking out the Prosecutor's notice of appeal, the Trial Chamber denied the request considering that the notice was delivered in good time to the defence via the Registry.

## COURTROOM SCHEDULE: 27 MARCH – 31 MARCH \*

### **MONDAY 27 MARCH**

Courtroom II 09:30, **Krstic**, Trial  
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial

### **TUESDAY 28 MARCH**

Courtroom I 15:00, **Kolundzija/Dosen**, Status Conference  
Courtroom II 09:30, **Krstic**, Trial  
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial

### **WEDNESDAY 29 MARCH**

Courtroom I 08:45, **Simic/Avramovic**, Judgement (R77)  
Courtroom II 09:30, **Krstic**, Trial  
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial

### **THURSDAY 30 MARCH**

Courtroom I 09:30, **Kordic/Cerkez**, Motion Hearing  
14:30, **Kordic/Cerkez**, Motion Hearing  
Courtroom II 09:30, **Krstic**, Trial  
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial

### **FRIDAY 31 MARCH**

Courtroom II 09:30, **Krstic**, 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.

## PRESS RELEASES ISSUED SINCE 17 MARCH

DATE	NUMBER	TITLE	E	B/C/S
20/03/00	479	REMARKS OF JUDGE RICHARD MAY, JUDGE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE FOURTH SESSION OF THE PREPARATORY COMMISSION FOR THE INTERNATIONAL CRIMINAL COURT	X	X
21/03/00	480	MLADEN NALETILIC IS TRANSFERRED FROM ZAGREB TO THE HAGUE	X	X
24/03/00	481	ALEKSOVSKI CASE: THE APPEALS CHAMBER INCREASES HIS SENTENCE TO SEVEN YEARS IMPRISONMENT	X	X

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