



31 May 2002

ICTY WEEKLY UPDATE – 222

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 27 May 2002, the start of the twelfth week of the Prosecution case, the Prosecution resumed the examination of protected witness K5, a Kosovo Albanian who claims to have worked as an informer for the police in the 1990's, which began on 24 May 2002 (see *Weekly Update* No. 221). The accused and one of the *amici curiae* cross-examined the witness. The Prosecution then re-examined the witness.

On 28 May, the Prosecution examined expert witness William Fulton, a police detective from the Royal Ulster Constabulary seconded to the British Forensic Team which investigated exhumation sites in locations in Serbia outside of Kosovo in 1999 and 2000. The accused cross-examined the witness. The Prosecution then called witness Barney Kelly, an investigator of the Office of the Prosecutor, who testified about the maps made in relation to the Račak killings. The Prosecution then introduced the testimony of Rule 92 *bis* witness Drita Emini from Račak, who testified about the attack on the village in January 1999 by Serb forces.

On 29 May, the Prosecution examined witness Major General Joseph Michel Maisonneuve, who was the head of the Kosovo Verification Mission (“KVM”) first regional centre based in Prizren. The accused then cross-examined the witness.

On 30 May, the accused resumed the cross-examination of the witness. One of the *amici curiae* then cross-examined the witness. Following the conclusion of General Maisonneuve's testimony, the accused resumed the cross-examination of witness Drita Emini. An *amicus curiae* then cross-examined the witness. After hearing the parties, the Trial Chamber gave a ruling excluding the statement of witness Barney Kelly, an investigator of the Office of the Prosecutor. The accused was given the opportunity to cross-examine witness Barney Kelly but declined. The Prosecution then introduced the statement of Rule 92 *bis* witness Bilall Avdiu from Štimlje municipality, who testified about the attacks on Račak in 1998 and 1999. The accused cross-examined the witness.

On 31 May, the accused resumed his cross-examination.

Stanislav GALIĆ Case (“Sarajevo”)

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

On 24 May 2002, the Trial Chamber heard the testimony of witness Jorma Gardemeister-Kukkola, a Finnish military officer, who was a United Nations Military Observer (“UNMO”) in Sarajevo in 1993.

On 27 May 2002, the Trial Chamber convened to hear the twenty-first week of the Prosecution case. The Defence cross-examined witness Lieutenant-Colonel James Cutler, who began his testimony on 24 May 2002 (see *Weekly Update* No. 221). The Prosecutor then re-examined the witness and the Judges questioned him as well. Following the conclusion of Lt. Col. Cutler's testimony, the Prosecution called Lt. Col. Afzaal Niaz, an officer of the Pakistani Army, who was an UNMO in Sarajevo from October 1993 until October 1994.

On 28 May, the Prosecution resumed the examination of the Lt. Col. Niaz. The Defence then cross-examined the witness and the Prosecution re-examined him.

On 29 May, the Prosecution examined Donough O'Keeffe, a Commandant in the Irish Defence Force stationed in Sarajevo as an UNMO. The Defence subsequently cross-examined the witness.

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On 30 May, the Prosecution called witness Major Roy Thomas, a former officer of the Canadian Army, who had been a senior UNMO in Sector Sarajevo in 1993 and 1994.

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

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

On 28 May 2002, the Trial Chamber convened to hear the tenth week of the Defence case. The Defence examined protected witness NE, who testified, *inter alia*, about the ethnic composition of Jablanica municipality in Bosnia and Herzegovina in 1993.

On 29 May, the Prosecution cross-examined the witness.

On 30 May, the Defence called another protected witness who testified about Muslim prisoners of war in Široki Brijeg in 1993. The Prosecution then cross-examined the witness.

Milomir STAKIĆ Case (“Prijeđor”)

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

On 27 May 2002, the Trial Chamber convened to hear the eighth week of the Prosecution case. The Prosecution called Dr. Mirsad Mujadžić, a surgeon from Prijedor, who was the President of the Party for Democratic Action (“SDA”) Municipal Board of Prijedor in the early 1990’s.

On 28 May, the Prosecution resumed the examination of the witness.

On 29 May, the Defence cross-examined the witness.

On 30 May, the Defence resumed cross-examination of the witness. The Prosecution subsequently re-examined the witness. The Judges then briefly questioned him.

Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case (“Bosanski Šamac”)

Trial Chamber II Section B – Judges Mumba (Presiding), Williams and Lindholm

On 27 May 2002, the hearing started in closed session. The Trial Chamber proceeded under Rule 15(B) of the Rules of Procedure and Evidence, since Judge Lindholm was not present due to illness. The Prosecution examined witness Alija Fitozović, who was a SDA member of the Executive Council of Bosanski Šamac in December 1991 and of the Commission for Security and Safety.

On 28 May, the Trial Chamber stated that it had decided to separate the trial of the accused Milan Simić from the trial of the three other co-accused, Blagoje Simić, Miroslav Tadić and Simo Zarić, in order to protect the interests of justice as provided under Rule 82 of the Rules of Procedure and Evidence. The Trial Chamber ordered that the Prosecution file an amended Indictment against the three co-accused, which it did on 30 May 2002. The Prosecution then resumed the examination of witness Alija Fitozović.

On 29 May, the Prosecution concluded its examination following which the Defence cross-examined witness Alija Fitozović.

On 30 May, the Defence resumed cross-examination of the witness.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

On 27 May 2002, the Trial Chamber convened to hear the sixteenth week of the Prosecution case. The Prosecution called witness Mirzet Karabeg, a lawyer from Sanski Most who was elected President of the Executive Board of the city in 1990. The witness told the Trial Chamber about his detention in Manjača Camp in 1992 and his exchange to the Bosnian town of Travnik in 1993.

On 28 May, the Prosecution resumed the examination of the witness.

On 29 May, the Defence cross-examined witness Mirzet Karabeg.

On 30 May, the Defence resumed the cross-examination. The Prosecution then re-examined the witness. Following the conclusion of witness Mirzet Karabeg’s testimony, the Prosecution called witness Rajif Begić from the village Begići, who testified how he and other citizens of Begići were taken out of the village and how some of them were killed.

On 31 May, the Prosecution resumed the examination of the witness.

Momčilo KRAJIŠNIK and Biljana PLAVŠIĆ Case (“Bosnia and Herzegovina”)

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

On 31 May 2002, the Trial Chamber convened for a hearing on the Defence Motion to exclude evidence and limit the scope of the trial dated 9 May 2002. Following this hearing, a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence was held.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

Tihomir BLAŠKIĆ Case (“Lašva Valley”)

Pre-Appeal Judge Pocar

CORRIGENDUM to SCHEDULING ORDER

On 27 May 2002, the Pre-Appeal Judge ordered that a Status Conference pursuant to Rule 65 *bis* (B) be held on Monday **3 June 2002 at 16:00**.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

PUBLIC VERSION OF THE CONFIDENTIAL DECISION ON THE ADMISSION OF RULE 92 BIS STATEMENTS DATED 1 MAY 2002

On 23 May 2002, the Trial Chamber stated, *inter alia*, that it agreed with Trial Chamber III in the *Sikirica* case to the extent that, in many instances, the existence of material relating to the acts and conduct of alleged co-perpetrators or subordinates of the accused in a Rule 92 *bis* statement might be appropriately dealt with by admitting the statement and then ordering that the witness be called for cross-examination. The Trial Chamber did not, however, rule out the possibility that evidence going to the acts and conduct of subordinates or co-perpetrators, for which the accused is allegedly responsible, was so pivotal in the case, that it would be unfair to the accused to admit it in the form of a written statement under Rule 92 *bis*. For the reasons set out in the Decision, the Trial Chamber ordered the admission of some of the proposed Rule 92 *bis* statements. Some Rule 92 *bis* statements were not admitted and one statement was admitted under the condition that another witness would testify *viva voce*.

DECISION ON RADOSLAV BRĐANIN’S MOTION FOR THE ISSUANCE OF RULE 73(B) CERTIFICATION REGARDING THE CHAMBER’S RULE 70 CONFIDENTIAL DECISION

On 13 May 2002, the Defence for Radoslav Brdanin filed a Motion for the issuance of Rule 73(B) Certification Regarding the Chamber’s Rule 70 Confidential Decision. On 24 May 2002, the Trial Chamber denied the application for certification. The Trial Chamber considered in its Confidential Decision of 6 May 2002, *inter alia*, that Rule 70 was equally available to the Defence to make use of it, provided an application to the Trial Chamber was made by the accused or Defence counsel as laid down in Rule 70(F). The Trial Chamber was not satisfied that an interlocutory appeal from the Decision was “appropriate for the continuation of the trial” as used to be set out in Rule 73(C) before the latest amendment to the Rule.

Dario KORDIĆ and Mario ČERKEZ Case (“Lašva Valley”)

Pre-Appeal Judge Hunt

SCHEDULING ORDER

On 27 May 2002, The Pre-Appeal Judge ordered that a Status Conference be held in these proceedings on Friday **14 June at 15:00**.

Vidoje BLAGOJEVIĆ, Dragan OBRENOVIĆ and Dragan JOKIĆ case (“Srebrenica”)

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

DECISION ON APPLICATION BY DRAGAN JOKIĆ FOR PROVISIONAL RELEASE

On 28 March 2002, Trial Chamber II rejected Dragan Jokić’s Request for Provisional Release which he filed on 10 January 2002. On 18 April 2002, a Bench of the Appeals Chamber granted Dragan Jokić Leave to Appeal the Decision. Dragan Jokić filed his Appeal on 3 May 2002.

On 28 May 2002, the Appeals Chamber granted the Appeal and ordered that the Appellant be provisionally released. The Appeals Chamber reiterated that the Bench in its Decision granting Leave to Appeal held that pursuant to Rule 65(C) of the Rules of Procedure and Evidence the production of a

guarantee from the relevant governmental body is advisable but not a prerequisite for provisional release and that a guarantee provided by the Republika Srpska is valid although not necessarily sufficient in every case.

Sefer HALILOVIĆ Case (“Grabovica-Uzdol”)

Pre-Trial Judge Kwon

SCHEDULING ORDER

On 29 May 2002, the pre-trial Judge ordered that the Prosecution file its pre-trial brief on or before Monday **17 June 2002**. He further ordered that a Status Conference take place on Monday **29 July 2002 at 16:00**.

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

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

DECISION ON PROSECUTION MOTION TO UTILIZE REDACTED STATEMENT AND ORDER OF NON-DISCLOSURE

On 24 May 2002, the Prosecution confidentially filed a Motion to Utilize Redacted Version of 11 March 1999 Statement of Fred Abrahams and for Order of Non-Disclosure. The Prosecution argued, *inter alia*, that the non-disclosure that it had requested in the Motion was justified under Rule 69 and Rule 70(B). On 29 May 2002, the Trial Chamber denied the Motion. It considered, *inter alia*, that there was nothing in the Motion indicating that the information provided had been used solely for the purpose of generating new evidence as set out in Rule 70(B).

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

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

ORDER TO THE REGISTRY

On 28 May 2002, the Trial Chamber requested, pursuant to Rule 74 *bis*, the Registry to provide the medical report on Mladen Naletilić’s absence from court on 8 and 9 May 2002 as soon as possible. It further requested the Registry to make the necessary arrangement for an independent medical expert to conduct a medical examination of Mladen Naletilić in order to make suggestions to the Trial Chamber as to his physical capability to sit in the courtroom and follow the proceedings. The Registry was further requested to inform the Trial Chamber of any forthcoming medical examinations or procedures which may have an impact on the proceedings.

Enver HADŽIHASANOVIĆ, Mehmed ALAGIĆ and Amir KUBURA (“Central Bosnia”)

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

REQUEST TO BOSNIA AND HERZEGOVINA

On 29 May 2002, the Trial Chamber requested the Government of Bosnia and Herzegovina:

- (1) to provide the Trial Chamber with the judgement which recently convicted Mehmed Alagić to a term of imprisonment;
- (2) to provide the Trial Chamber with relevant information on the status of the conviction and the execution of the sentence; and
- (3) to keep the Trial Chamber informed of any related further developments.

Zdravko MUCIĆ, Hazim DELIĆ and Esad LANDŽO Case (“Čelebići Camp”)

President of the Tribunal – Judge Jorda

DECISION DU PRESIDENT RELATIVE A LA LIBERATION ANTICIPEE DE ZDRAVKO MUCIC

On 30 May 2002, the President of the Tribunal rejected Zdravko Mucić’s Request for Immediate release dated 4 March 2002.

COURTROOM SCHEDULE: 3 JUNE – 7 JUNE*

MONDAY 3 JUNE

Courtroom I 09:00 - 13:45, Milošević, Trial
14:15 - 19:00, Brđanin and Talić, Trial
Courtroom II 09:00 - 13:45, Galić, Trial
16:00, Blaskić, Status Conference
Courtroom III 09:00 - 13:45, Simić *et al.*, Trial

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14:15 - 19:00, **Martinović and Naletilić**, Trial

TUESDAY 4 JUNE

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

Courtroom II 09:00 - 13:45, **Galić**, Trial
 15:00 - 19:00, **Stakić**, Trial

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

WEDNESDAY 5 JUNE

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

Courtroom II 09:00 - 13:45, **Galić**, Trial
 14:15 - 19:00, **Stakić**, Trial

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

THURSDAY 6 JUNE

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

Courtroom II 09:00 - 13:45, **Galić**, Trial
 14:15 - 19:00, **Stakić**, Trial

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

FRIDAY 7 JUNE

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

Courtroom II 09:00 - 13:45, **Galić**, Trial
 14:15 - 19:00, **Stakić**, Trial

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

PRESS RELEASES ISSUED SINCE 19 MAY

DATE	NUMBER	TITLE	E	F	B/C/S
28 May 2002	677	DRAGAN JOKIĆ GRANTED PROVISIONAL RELEASE	E		B/C/S

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