



19 July 2002

ICTY WEEKLY UPDATE – 229

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 15 July 2002, the Trial Chamber convened to hear the eighteenth week of the Prosecution case. The accused resumed the cross-examination of Colonel John Crosland who began his testimony on 10 July 2002.

The Prosecutor then called witness Doctor Eric Baccard who previously testified on 21 and 22 May 2002 (see *Weekly Update* No. 221). Dr. Baccard reviewed the pathology reports of the French forensic team with respect to the individuals found in three wells in the village of Qirez/Ćiriz in Kosovo in July 1999. The accused subsequently cross-examined the witness.

The Prosecution then introduced the statement of Rule 92 *bis* witness Merita Dedaj from the village of Guskë in the municipality of Gjakovë/Djakovica who testified about the killing of nine men, including her father, uncle and cousin, in 1999. On 16 July, the accused resumed the cross-examination of witness Merita Dedaj.

The Prosecution then introduced the statement of Rule 92 *bis* witness Merifidete Selmani from the Gjakovë/Djakovica municipality who testified how the residents of Dobrosh/Dobroš fled their village in 1999. The accused then cross-examined the witness.

On 17 July, the Prosecution called Rule 92 *bis* witness Xhevahire Sylja from the village of Nivokaz/Nivokaze in the Gjakovë/ Djakovica municipality who testified about deportations and killings in the municipality in 1998 and 1999. The accused cross-examined the witness and the Prosecution re-examined her.

The Prosecution then examined protected witness K32 from Montenegro who was a driver with the Army of Yugoslavia (“VJ”) in 1998 and 1999.

On 18 and 19 July no hearings took place due to the medical condition of the accused (see *Press Advisory* No. 059).

STAKIĆ Case (“Prijeđor”)

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

On 15 July 2002, the Trial Chamber convened to hear the fifteenth week of the Prosecution case. The hearing took place in closed session on 15 and 16 July.

On 17 July, the Prosecution examined witness James Barnabas Mayhew who was a monitor with the European Community Monitor Mission in Zagreb and the Banja Luka area in 1992.

On 18 July, the Defence cross-examined the witness.

SIMIĆ *et al.* Case (“Bosanski Šamac”)

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

On 15 July 2002, the Prosecution resumed the examination of protected witness A who began his testimony on 8 July 2002. The witness testified about events that occurred in Bosanski Šamac in 1992 and his exchange from the area. The Defence then cross-examined the witness.

The Prosecution subsequently examined, via video-link, witness Hasan Subašić, a welder from Bosanski Šamac who testified about unpaid work he was made to do and mistreatment by Serb paramilitaries in 1992 in Bosanski Šamac.

On 16 July, the Defence resumed the cross-examination of witness A.

The Prosecution then resumed the examination of witness Hasan Subašić via video-link. The Defence subsequently cross-examined the witness.

On 17 July, the Defence resumed its cross-examination of witness A. Later in the afternoon, the Defence resumed the cross-examination of witness Hasan Subašić via video link.

On 18 July, the Defence resumed the cross-examination of protected witness A.

GALIĆ Case (“Sarajevo”)

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

On 15 July 2002, the Trial Chamber convened to hear the twenty-seventh week of the Prosecution case. The Prosecution examined witness General Hussein Ali Abdel-Razek, an Egyptian army officer who served with the United Nations Protection Force as the Commander of Sector Sarajevo in 1992 and 1993.

On 16 July, the Defence cross-examined the witness.

The Prosecution then examined witness Richard Philipps, a military analyst with the Office of the Prosecutor, who began his testimony on 10 July 2002 (see *Weekly Update* No. 228). The Defence then cross-examined the witness.

On 17 July, the Defence resumed its cross-examination. The Prosecution then called Major General Vahid Karavelić, at present Chief of the section plans and operations in the joint command of the Army of the Federation of Bosnia and Herzegovina. The witness, who was appointed commander of the 1st Corps of the Army of Bosnia and Herzegovina in August 1993, testified about the role of the 1st Corps in the armed conflict in Sarajevo between 1992 and 1995.

On 18 July, the Prosecution resumed the cross-examination of the witness. The Defence then cross-examined the witness.

On 19 July, the Defence resumed its cross-examination.

BRĐANIN and TALIĆ Case (“Krajina”)

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

On 15 July 2002, the Trial Chamber convened to hear the twenty-second week of the Prosecution case. The hearings took place in closed session on 15, 16, 17 and 18 July.

VASILJEVIĆ Case (“Višegrad”)

Judge Hunt

On 15 July 2002, the parties appeared before Judge Hunt for a Status Conference. The Judgement in this case will be rendered in due course.

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

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

On 15 July, the Trial Chamber convened to hear the start of the Martinović Defence case. The Defence Counsel for Vinko Martinović gave his opening statement.

On 16 July, the Defence for Vinko Martinović resumed their opening statement. The Defence then examined witness Jadranko Martinović, the brother of the Vinko Martinović.

On 17 July, the Defence resumed the examination of witness Jadranko Martinović. The Prosecution then cross-examined the witness.

On 18 July, the Prosecution resumed the cross-examination of the witness.

HADŽIHASANOVIĆ *et al.* Case (“Central Bosnia”)

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

On 18 July 2002, Counsel for the parties convened before the Trial Chamber for a Status Conference. The three co-accused, who were provisionally released, were not present in the courtroom. Pre-trial preparations were discussed.

BLAGOJEVIĆ *et al.* Case (“Srebrenica”)

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

On 19 July 2002, the Trial Chamber convened for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Following the Status Conference, a hearing took place on Obrenović’s and Blagojević’s Motions for Provisional Release. Representatives of the Presidency of Bosnia and Herzegovina took part in the hearing. Decisions will be rendered in due course.

MRKŠIĆ Case (“Vukovar”)

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

On 19 July 2002, the parties were to appear before the Trial Chamber to discuss Mrkšić’s Motion for Provisional Release. Following the hearing, a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence were to take place.

MRDA Case

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

On 19 July 2002, the parties were to appear before the Trial Chamber for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

KRAJIŠNIK and PLAVŠIĆ Case (“Bosnia and Herzegovina”)

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

DECISION ON PROSECUTION’S APPLICATION FOR CERTIFICATION UNDER RULE 73 (B)

On 25 June 2002, the Prosecution filed an Application for Certification pursuant to Rule 73 (B) of the Rules of Procedure and Evidence. In this Application the Prosecution sought certification for interlocutory appeal of parts of the Trial Chamber’s Decision on the Defence Motion to Exclude Evidence and Limit Scope of Trial issued on 18 June 2002 (see *Weekly Update* No. 225).

On 12 July 2002, the Trial Chamber denied the Application considering, *inter alia*, that it was not persuaded that the issue would significantly affect the fair and expeditious conduct of the proceedings or outcome of the trial or that immediate resolution of this issue would materially advance the proceedings.

ORDER FOR SUBMISSION OF GUARANTEES

On 10 July 2002, a hearing was held on the Renewed Motion for Provisional Release filed by the Defence of Momčilo Krajišnik. At the hearing, counsel for Krajišnik indicated that he would seek to obtain a guarantee from the Government of the Republic of Serbia.

On 17 July, the Trial Chamber considered that it would also be appropriate to obtain an updated guarantee from the Government of the Federal Republic of Yugoslavia. It ordered the Defence for Momčilo Krajišnik to obtain and file such guarantees no later than **31 July 2002**, in order for the Trial Chamber to take them into consideration in its determination of the Renewed Motion for Provisional Release.

BLAŠKIĆ Case (“Lašva Valley”)

Pre-Appeal Judge Pocar

DECISION ON “PROSECUTION URGENT REQUEST FOR AN ADDITIONAL EXTENSION OF TIME FOR ITS RESPONSE TO THE APPELLANT’S THIRD 115 MOTION”

On 8 July 2002, the Prosecution confidentially filed an Urgent Request for an Additional Extension of Time for its Response to the Appellant’s Third [Rule] 115 Motion. On 12 July 2002, the Pre-Appeal Judge ordered that the Prosecution file its response to the third Motion by **10 August 2002** and reminded the Prosecution to prepare the response in conformity with the page limit set by the Decision of the Pre-Appeal Judge of 18 June 2002. The Pre-Appeal Judge further allowed the Appellant to file his reply, if any, by **30 August 2002**.

ŠAINOVIĆ and OJDANIĆ Case (“Kosovo”)

Bench of the Appeals Chamber – Judges Jorda (Presiding), Hunt and Güney

DECISION GRANTING LEAVE TO APPEAL

On 26 June 2002, Trial Chamber III granted the Applications of Nikola Šainović and Dragoljub Ojdanić for Provisional Release (see *Press Release* No. 683 and *Weekly Update* No. 226). On 27 June, the Prosecution filed a Provisional Application for Leave to File an Interlocutory Appeal. A Bench of the Appeals Chamber granted leave to appeal the impugned Decision on 16 July 2002.

MEAKIĆ *et al.* (“Omarska Camp”) and FUŠTAR *et al.* (“Keraterm Camp”) Cases

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

ORDER FOR FURTHER SUBMISSION

On 5 July 2002, the Prosecution filed a Motion for Joinder of the Omarska and Keraterm Cases and an Addendum on 11 July.

On 16 July 2002, the Trial Chamber noted that the proposed Consolidated Indictment contains charges that are not identical with those in the existing Indictments as confirmed. The Trial Chamber ordered, *inter alia*, that the Prosecution file by **26 July 2002**, a further submission specifying clearly which charges of the existing Indictments are maintained against which accused in the proposed Consolidated Indictment and which charges are new.

The Trial Chamber extended the time limit for the Defence response to the Prosecution Motion two weeks from the date of the filing of the further submission by the Prosecution.

DECISION ON REQUEST FOR PRE-TRIAL PROVISIONAL RELEASE

On 6 June 2002, the Defence of Momčilo Gruban filed a Defence Motion for Provisional Release. On 17 July 2002, the Trial Chamber granted the Motion and ordered the provisional release of Momčilo Gruban subject to the conditions set out in the Decision and pending practical arrangements.

COURTROOM SCHEDULE: 22 JULY – 26 JULY*

MONDAY 22 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović and Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Simić *et al.***, Trial
14:15 - 19:00, **Brđanin and Talić**, Trial

TUESDAY 23 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Stakić**, Trial
Courtroom II 09:00 - 13:45, **Martinović and Naletilić**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Simić *et al.***, Trial
14:15 - 15:15, **D. Nikolić**, Status Conference
15:45 - 19:00, **Brđanin and Talić**, Trial

WEDNESDAY 24 JULY

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

14:15 - 19:00, **Brđanin and Talić**, Trial

THURSDAY 25 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović and Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
14:15 - 19:00, **Brđanin and Talić**, Trial

FRIDAY 26 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
14:15 - 19:00, **Brđanin and Talić**, 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 minute delay on the ICTY's 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).

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](#)