



4 July 2003

## ICTY WEEKLY UPDATE – 274

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

##### **MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)**

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

33<sup>rd</sup> week of the Prosecution case.

From 30 June until 3 July 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *Amici Curiae*:

- Witness General Imra Agotić
- Protected Witness B-1244
- Rule 92 *bis* Protected Witness C-006
- Rule 92 *bis* Witness Vlado Vuković
- Rule 92 *bis* Protected Witness C-1230
- Rule 92 *bis* Protected Witness C-1126 (not cross-examined by one of the *Amici Curiae*)

##### **Dragan NIKOLIĆ Case (“Sušica Camp”)**

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

On 27 June 2003, the parties appeared before the Trial Chamber for a Status Conference. The Trial Chamber granted the Prosecution Motion to amend the Indictment. Dragan Nikolić pleaded “not guilty” to the counts of the Second Amended Indictment (see also *Weekly Update* No. 273).

##### **BRĐANIN Case (“Krajina”)**

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

41<sup>st</sup> week of the Prosecution case.

From 30 June until 4 July 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected Witness BT-104
- Witness Patrick Treanor

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

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

From 30 June until 4 July 2003, the parties appeared before the Trial Chamber for their closing arguments. The Prosecution recommended a sentence of 20 to 25 years’ imprisonment for Blagoje Simić, 15 to 20 years for Miroslav Radić and 10 to 15 years for Simo Zarić. The Defence argued that the three Accused are not guilty. The Trial Chamber will deliver its Judgement in due course.

**ORIĆ Case**

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

On 1 July 2003, the parties appeared before the Trial Chamber for a hearing on the request for provisional release by Naser Orić. The Minister of Interior of the Government of the Federation of Bosnia and Herzegovina participated in the hearing. The Trial Chamber will issue a Decision in due course.

**MRKŠIĆ and RADIĆ Case (“Vukovar Hospital”)**

*Pre-Trial Judge Agius*

On 2 July 2003, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* (A) of the Rules of Procedure and Evidence.

**SLJIVANČANIN Case (“Vukovar Hospital”)**

*Judge Agius*

Following his transfer to the Tribunal on 1 July, the initial appearance of Veselin Šljivančanin was scheduled to take place before Judge Agius on 3 July 2003. The Accused did not enter a plea due to problems with the appointment of the Accused’s legal representation. The initial appearance was rescheduled for Thursday 10 July 2003.

**ŠEŠELJ Case**

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

On 3 July 2003, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* (A) of the Rules of Procedure and Evidence.

**KRNOJELAC Case**

*Pre-Appeal Judge Güney*

On 4 July 2003, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* (B) of the Rules of Procedure and Evidence.

**II. OVERVIEW OF SELECTED COURT DOCUMENTS:**

**HALILOVIĆ Case (“Grabovica-Uzdol”)**

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

**SCHEDULING ORDER**

On 27 June 2003, the Pre-Trial Judge ordered that the Pre-Trial Conference be held on 15 July 2003 and that Sefer Halilović should return to the United Nations Detention Unit no later than 14 July 2003. The provisional release of Sefer Halilović was ordered to continue as soon as practicable after the hearing.

**MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)**

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

**ORDER ON *AMICUS CURIAE*'S REQUEST FOR APPROVAL TO IDENTIFY RELEVANT TRIAL DOCUMENTS IN PERSON FOR THE COMPLETION OF WRITTEN SUBMISSIONS AND FOR FURTHER EXTENSION OF TIME**

On 27 June 2003, the Trial Chamber ordered that the time for filing submissions on self-defence as it has arisen in the Kosovo part of the case shall be extended to 14 October 2003. It further ordered that the Registrar make the necessary arrangements for the *Amicus Curiae* to travel to The Hague for the period 28 July to 1 August 2003 for the purposes of examining the documentation relevant to the submissions on self-defence as it has arisen in the Kosovo of the case, and for any other period when the *Amicus Curiae* considers it necessary for the discharge of his functions.

**ORDER ON *AMICI CURIAE* REQUEST CONCERNING THE MANNER OF THEIR FUTURE ENGAGEMENT AND PROCEDURAL DIRECTIONS UNDER RULE 98 *BIS***

On 27 June 2003, the Trial Chamber ordered *inter alia* that the *Amici Curiae* may submit a Motion pursuant to Rule 98 *bis* within seven days of the close of the Prosecution case and that the appointment of Branislav Tapušković as an *Amicus Curiae* shall end at the conclusion of the Prosecution case. The Trial Chamber expressed its gratitude to Branislav Tapušković for his services. The appointment of Steven Kay as *Amicus Curiae* shall continue and Gillian Higgins shall be appointed as *Amicus Curiae* on the basis set out in the Order.

**SCHEDULING ORDER FOR A STATUS CONFERENCE**

On 2 July 2003, the Trial Chamber ordered that a Status Conference be held on 2 September 2003 to consider the presentation of the Defence case.

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**BRĐANIN Case (“Krajina”)**

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

**DECISION ON PROSECUTION’S SECOND REQUEST FOR A SUBPOENA OF JONATHAN RANDAL**

On 30 June 2003, the Trial Chamber dismissed the Prosecution Second Request for a Subpoena of Jonathan Randal filed on 29 January 2003. Judge Taya appended a separate opinion.

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**KRSTIĆ Case (“Srebrenica-Drina Corps”)**

*Appeals Chamber – Judges Meron (Presiding), Pocar, Shahabuddeen, Hunt and Güney*

**DECISION ON APPLICATION FOR SUBPOENAS**

On 1 July 2003, the Appeals Chamber ordered that subpoenas be issued requiring the two prospective witnesses identified in the Appellant’s Motion to attend at a location in Bosnia and Herzegovina, and at a time, to be nominated by the Krstić Defence after consultation with the Prosecution (and, if need be, with the Victims and Witness Section) to be interviewed there by the Krstić Defence.

Judge Shahabuddeen appended a dissenting opinion.

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**BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)**

*Trial Chamber I, Section A – Judges Liu (Presiding), Vassilenko and Argibay*

**DECISION ON INDEPENDENT COUNSEL FOR VIDOJE BLAGOJEVIĆ’S MOTION TO INSTRUCT THE REGISTRAR TO APPOINT NEW LEAD AND CO-COUNSEL**

On 3 July 2003, the Trial Chamber denied the Motion of Vidoje Blagojević’s Independent Counsel to instruct the Registrar to appoint new Lead and Co-Counsel filed *ex parte* and confidentially on 5 June 2003. The Trial Chamber ordered, *inter alia*, that the Registrar appoint, in consultation with the Accused, a legal representative to assist the Accused and his Defence team in the preparation of his Defence before the Tribunal in accordance with the terms specified no later than 10 days after the issuance of the present Decision.

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**MILUTINOVIĆ *et al.* Case (“Kosovo”)**

*Bench of the Appeals Chamber – Judges Pocar (Presiding), Shahabuddeen and Güney*

**DECISION REFUSING MILUTINOVIĆ LEAVE TO APPEAL**

On 3 July 2003, a Bench of the Appeals Chamber denied Milan Milutinović’s Application for leave to file an interlocutory appeal, filed confidentially on 10 June 2003. In the Application, Milutinović sought leave to appeal Trial Chamber III’s Decision of 3 June 2003 denying his provisional release.

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**ORIĆ Case**

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

**DECISION ON PRELIMINARY MOTION REGARDING DEFECTS IN THE FORM OF THE INDICTMENT**

On 3 July 2003, the Trial Chamber dismissed the Defence 22 May 2003 Preliminary Motion of Regarding Defects in the Form of The Indictment. It further ordered the Prosecution to file an amended Indictment containing the amendments proposed in this Decision within 30 days.

## COURTROOM SCHEDULE: 7 JULY - 11 JULY 2003\*

### MONDAY 7 JULY

Courtroom I 09:00 - 13:45, **Blagojević et al.**, Trial  
Courtroom III 09:00 - 13:45, **Brđanin**, Trial

### TUESDAY 8 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
15:00, **Stanković**, Status Conference  
Courtroom III 09:00 - 13:45, **Brđanin**, Trial  
14:15 - 19:00, **Blagojević et al.**, Trial

### WEDNESDAY 9 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
15:00, **Meakić**, Initial Appearance (time to be confirmed)  
Courtroom III 09:00 - 13:45, **Brđanin**, Trial  
14:15 - 19:00, **Blagojević et al.**, Trial

### THURSDAY 10 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
15:00, **Šljivančanin**, Further Initial Appearance  
Courtroom III 09:00 - 13:45, **Brđanin**, Trial  
14:15 - 19:00, **Blagojević et al.**, Trial

### FRIDAY 11 JULY

Courtroom I 09:00 - 13:45, **Simić et al.**, Closing Arguments  
Courtroom III 09:00 - 13:45, **Brđanin**, Trial  
14:15 - 19:00, **Blagojević et al.**, Trial

\*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services.

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).

## PRESS RELEASES ISSUED SINCE 17 JUNE 2003

| DATE       | NUMBER | TITLE   | E | F | B/C/S |
|------------|--------|---|---|---|-------|
| 02/07/2003 | 766    | VESELIN ŠLJIVANČANIN TRANSFERRED TO THE ICTY DETENTION UNIT | E |   |       |
| 04/07/2003 | 767    | ŽELJKO MEAKIĆ TRANSFERRED TO THE ICTY DETENTION UNIT        | E |   |       |

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