



23 July 2004

ICTY WEEKLY UPDATE – 323

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

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

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

The scheduled hearings for this week were cancelled. The trial is scheduled to resume on 31 August 2004 (see Order below).

KVOČKA *et al.* Case (“Omarska, Keraterm and Trnopolje Camps”)

Appeals Chamber - Judges Shahabuddeen (Presiding), Pocar, Mumba, Güney and Weinberg de Roca

From 19 to 21 July 2004, the parties appeared before the Appeals Chamber for an additional appeals hearing. As previously scheduled, the following additional witnesses were heard.

- Protected Witness KV2 (Court witness via video link)
- Protected Witness KV3 (Prosecution witness via video link)
- Protected Witness KV4 (Prosecution witness via video link)

Following the hearing on 21 July 2004, a Status Conference took place pursuant to Rule 65 *bis* (B) of the Rules of Procedure and Evidence.

BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)

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

Last week of the Dragan Jokić Defence case.

On 19, 22 and 23 July 2004, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Goran Radoslavljević
- Witness Mirko Rebić
- Expert Witness Dragosav Lacković
- Witness Branko Mihić
- Witness Mihajlo Cvijetić

On 23 July 2004, the Defence for Dragan Jokić rested its case and the trial was adjourned until September 2004.

STRUGAR Case (“Dubrovnik”)

Trial Chamber II - Judges Parker (Presiding), Thelin and Van Den Wyngaert

Last week of the Defence case.

From 19 to 22 July 2004, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Jovica Nešić
- Expert Witness Janko Viličić

On 23 July 2004, the Prosecution examined Miodrag Jokić as witness in rebuttal. He was subsequently cross-examined by the Defence.

PRLIĆ, STOJIC, PRALJAK, PETKOVIĆ, ĆORIĆ and PUŠIĆ Case

Trial Chamber I - Judges Orić (Presiding) and Liu

On 19 July 2004, the parties appeared before Pre-Trial Judge Orić for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Following the Status Conference, a Motion Hearing was held regarding the provisional release requests of the six co-Accused. The Minister of Interior and the Minister of Justice of the Government of the Federation of Bosnia and Herzegovina, and the Assistant Minister of Justice of the Government of Croatia and the Ambassador of Croatia participated in the hearing. Judge El Mahdi could not be present and the Trial Chamber proceeded under Rule 15 *bis* of the Rules of Procedure and Evidence. The Trial Chamber will render its Decision in due course.

On 19 and 20 July 2004, the parties appeared before Pre-Trial Judge Orić to discuss the issue of possible conflict of interest concerning Defence counsel of Jadranko Prlić, Bruno Stojić and Valentin Ćorić.

ORIĆ Case

Pre-Trial Judge Kwon

On 21 July 2004, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. The Pre-Trial Judge announced that the trial would start on 5 October 2004 and that the Pre-Trial Conference would be held on 28 September 2004.

KORDIĆ and ČERKEZ Case (“Lašva Valley”)

Presiding Judge Schomburg

On 21 July 2004, the parties appeared before the Presiding Judge for a Status Conference pursuant to Rule 65 *bis* (B) of the Rules of Procedure and Evidence.

HADŽIHASANOVIĆ and KUBURA Case (“Central Bosnia”)

Trial Chamber II - Judges Antonetti (Presiding), Rasoazany and Swart

29th week of the Prosecution case.

On 23 July 2004, the Prosecution presented its closing argument and concluded its case.

LJUBIČIĆ Case (“Lašva Valley”)

Pre-Trial Judge El Mahdi

On 23 July 2004, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

Miodrag JOKIĆ Case (“Dubrovnik”)

Pre-Appeal Judge Weinberg de Roca

On 23 July 2004, 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

HADŽIĆ Case

Judge El Mahdi

DECISION TO VACATE THE ORDER FOR NON-DISCLOSURE ENTERED 4TH JUNE 2004

On 4 June 2004, Judge El Mahdi confirmed the Indictment against Goran Hadžić and ordered non-disclosure. On 16 July 2004, Judge El Mahdi vacated the Order for non-disclosure thereby making the Indictment public (see *Press Release* No. 869).

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

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

FURTHER SCHEDULING ORDER ON COMMENCEMENT OF DEFENCE CASE

On 16 July 2004, the Trial Chamber ordered that the trial was adjourned to 31 August 2004 (see *Press Release* No. 870).

FURTHER ORDER ON FUTURE CONDUCT OF THE TRIAL

On 19 July 2004, the Trial Chamber ordered the Prosecution to make submissions, by 26 July 2004, about the role of counsel that could be assigned to the Accused to ensure the fair presentation of the Defence case, in particular in the absence of instructions to, or cooperation with, counsel by the Accused. The Trial Chamber will thereafter decide what further action to take, including ordering the Accused and *Amici Curiae* to file submissions in response (see *Press Release* No. 871).

ORDER TO PROSECUTION ON INDICTMENTS FOLLOWING RULE 98 *BIS* DECISION

On 20 July 2004, the Trial Chamber ordered the Prosecution to file, within 21 days, a “red-lined version” of the three Indictments showing the effect of the 16 June 2004 Decision on Motion for Judgement of Acquittal.

SCHEDULING ORDER GRANTING LEAVE TO AMEND THE CROATIA INDICTMENT

On 20 July 2004, the Trial Chamber granted the Prosecution 5 March 2004 motion to amend the Croatia Indictment.

FURTHER ORDER ON FUTURE CONDUCT OF THE TRIAL RELATING TO SEVERANCE OF ONE OR MORE INDICTMENTS

On 21 July 2004, the Trial Chamber invited the parties to file written submissions, by 27 June 2004, on the question of severance and, should the Trial Chamber decide to sever, which Indictment should proceed first.

KRAJIŠNIK Case (“Bosnia and Herzegovina”)

Trial Chamber I - Judges Orić (Presiding), El Mahdi and Martín Canivell

ORDER RELATING TO PROSECUTION'S APPLICATIONS TO ADMIT EVIDENCE PURSUANT TO RULE 92 *BIS*

On 19 July 2004, the Trial Chamber reset the admissible number of Prosecution Rule 92 *bis* to 61 and ordered that the Prosecution inform the Trial Chamber as to whether it wishes to reconsider any aspect of the Rule 92 *bis* motions currently pending before the Trial Chamber.

MRKŠIĆ *et al.* Case (“Vukovar Hospital”)

Trial Chamber II - Judges Agius (Presiding), Antonetti and Parker

DECISION ON FORM OF MODIFIED CONSOLIDATED AMENDED INDICTMENT

On 20 July 2004, the Trial Chamber partially granted the Defence Motion, as set out in the Decision. It directed the Prosecution to amend the Modified Consolidated Amended Indictment and file a new Indictment no later than 17 August 2004.

BLAŠKIĆ Case (“Lašva Valley”)

Appeals Chamber - Judges Pocar (Presiding), Mumba, Güney, Schomburg and Weinberg de Roca **SCHEDULING ORDER**

On 21 July 2004, the Appeals Chamber scheduled the pronouncement of the Appeals Judgement for 29 July 2004 at 9 a.m. in Courtroom I (see *Press Advisory* No. 188).

COURTROOM SCHEDULE: 26 to 30 JULY 2004*

MONDAY 26 JULY

Courtroom I 09:00 - 13:45, **Krajišnik**, Trial
16:15 - 17:30, **Naletilić & Martinović**, Status Conference
Courtroom II 14:30 - 15:45, **Momir Nikolić**, Status Conference

TUESDAY 27 JULY

Courtroom I 09:00 - 13:45, **Krajišnik**, Trial
Courtroom II 14:30 - 15:30, **Stakić**, Status Conference

WEDNESDAY 28 JULY

Courtroom I 09:00 - 13:45, **Krajišnik**, Trial
Courtroom II 08:30 - 09:00, **Galić**, Status Conference
Courtroom III Plenary session

THURSDAY 29 JULY

Courtroom I 09:00 - 10:00, **Blaškić**, Appeals Judgement
14:15 - 19:00, **Krajišnik**, Trial
Courtroom III Plenary session

FRIDAY 30 JULY

Courtroom I 09:00 - 13:45, **Krajišnik**, 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 16 JULY 2004

| DATE | NUMBER | TITLE | E | F | B/C/S |
|------------|--------|--|---|---|-------|
| 16/07/2004 | 869 | GORAN HADŽIĆ INDICTED BY THE ICTY FOR CRIMES AGAINST HUMANITY AND VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR | E | | B/C/S |
| 16/07/2004 | 870 | MILOŠEVIĆ TRIAL ADJOURNED TO 31 AUGUST 2004 | E | | B/C/S |
| 19/07/2004 | 871 | PROSECUTION ORDERED TO MAKE SUBMISSIONS ON THE ROLE OF ASSIGNED DEFENCE COUNSEL IN MILOŠEVIĆ CASE | E | | B/C/S |
| 19/07/2004 | 872 | PRESS CONFERENCE BY PROSECUTOR CARLA DEL PONTE 19 JULY 2004 | E | | B/C/S |
| 16/07/2004 | 873 | THE SIXTH DIPLOMATIC SEMINAR HOSTED BY THE ICTY | E | | B/C/S |

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