



18 January 2008

ICTY WEEKLY UPDATE – 476

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

MILUTINOVIĆ et al. Case

Trial Chamber III – Judges Bonomy (Presiding), Chowhan, Kamenova and Nosworthy (Reserve Judge)

Continuation of the Defence case

On 16 January 2008, the following witness testified:

- **Goran Jevtović** (Yugoslav Army officer – forward command post of the Priština Corps during the relevant period)

From 17 January until 18 January 2008, the following witness testified:

- **Dragan Živanović** (retired Yugoslav Army officer – Motorised Brigade Commander during the relevant period)

On 18 January 2008, the following witness testified:

- **Milan Kotur** (retired Yugoslav Army officer – Infantry Commander in the Priština Corps /Head of the Team for cooperation with the Kosovo Verification Mission during the relevant period)

POPOVIĆ et al. Case (“Srebrenica”)

Trial Chamber II - Judges Agius (Presiding), Kwon, Prost and Støle (Reserve Judge)

Continuation of the Prosecution case

From 14 January until 18 January 2008, the following witness testified:

- **Richard Butler** (former military analyst in the Office of the Prosecutor of the ICTY)

PRLIĆ et al. Case

Trial Chamber III – Judges Antonetti (Presiding), Prandler, Trechsel and Mindua (Reserve Judge)

Continuation of the Prosecution case

From 14 January until 16 January 2008, the following witness testified:

- **Cedric Thornberry** (Director of Civil Affairs/Deputy Chief of UNPROFOR during the relevant period)

From 16 January until 17 January 2008, the following witness testified:

- **Kemal Likić** (eye-witness from the village of Stupni Do, BiH)

Vojislav ŠEŠELJ Case

Trial Chamber III – Judges Antonetti (Presiding), Harhoff and Lattanzi

Continuation of the Prosecution case

From 15 January until 16 January 2008, the following witness testified:

- **Goran Stoparić** (member of the Serb forces during the relevant period)

On 17 January 2008, the parties discussed procedural matters in closed session.

DELIĆ Case

Trial Chamber I – Judges Moloto (Presiding), Harhoff and Lattanzi

Continuation of the Prosecution case

On 15 January 2008, the following witness testified:

- **Ivan Negovetić** (BiH Army officer – member of the Supreme Command Staff during the relevant period)

On 16 January 2008, the parties discussed procedural matters.

PERIŠIĆ Case

Judge Höpfel

On 15 January 2008, the parties met before Judge Höpfel for a Status Conference pursuant to Rule 65bis. The accused was not present (provisional release).

GOTOVINA et al. Case

Judge Orić

On 18 January 2008, the parties met before Judge Orić for a Status Conference pursuant to Rule 65bis. The accused Gotovina and Markač were present (Ivan Čermak is on provisional release).

II. OVERVIEW OF SELECTED COURT DOCUMENTS

Vojislav ŠEŠELJ Case

Judge Pocar – President of ICTY

ORDER ON THE PROSECUTION MOTION FOR THE DISQUALIFICATION OF JUDGE FREDERIK HARHOFF

On 14 January 2008, pursuant to Rule 15(B), Judge Pocar refused the Prosecution application for the disqualification and withdrawal of Judge Frederik Harhoff. This order followed a report by the Panel of three judges suggesting the refusal of the application.

PERIŠIĆ Case

Trial Chamber III – Judges Robinson (presiding), Thelin and Höpfel

DECISION ON PROSECUTION'S FILING OF SECOND AMENDED INDICTMENT

On 17 January 2008, pursuant to Rule 50, Trial Chamber III denied the Prosecution request to amend paragraph 30 of the amended indictment but granted a request to modify the indictment in all other respects. Therefore, the Prosecution is ordered to file a revised second amended indictment, which shall then be the operative indictment in this case.

GOTOVINA et al. Case

Appeals Chamber – Judges Pocar (presiding), Güney, Daqun, Vaz and Schomburg

DECISION ON ANTE GOTOVINA'S APPEAL AGAINST DENIAL OF PROVISIONAL RELEASE

On 17 January 2008, the Appeals Chamber dismissed an interlocutory appeal against the decision denying provisional release of Ante Gotovina.

On the same day, the Appeals Chamber (*Judges Pocar, Daqun, Meron, Vaz and Schomburg*) denied a request by the Republic of Croatia for review, pursuant to Rule 108*bis*, of the decision denying provisional release of Ante Gotovina.

COURTROOM SCHEDULE: 21 JANUARY – 25 JANUARY 2008*

MONDAY 21 JANUARY

Courtroom I 14:15 – 19:00, **Haradinaj et al.**, Closing arguments
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Milutinović et al.**, Trial

TUESDAY 22 JANUARY

Courtroom I 09:00 – 13:45, **Prlić et al.**, Trial
14:15 – 19:00, **Haradinaj et al.**, Closing arguments
Courtroom II 14:15 – 19:00, **Šešelj**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Milutinović et al.**, Trial

WEDNESDAY 23 JANUARY

Courtroom I 09:00 – 13:45, **Prlić et al.**, Trial
14:15 – 19:00, **Haradinaj et al.**, Closing arguments
Courtroom II 14:15 – 19:00, **Šešelj**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Milutinović et al.**, Trial

THURSDAY 24 JANUARY

Courtroom I 09:00 – 15:30, **Milutinović et al.**, Trial
Courtroom II 14:15 – 18:30, **Šešelj**, Trial
Courtroom III 09:00 – 13:45, **Prlić et al.**, Trial
14:15 – 19:00, **Popović et al.**, Trial

FRIDAY 25 JANUARY

Courtroom I 09:00 – 15:30, **Milutinović et al.**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Media Office (+31-70-512-5343, - 5356, or - 8752)

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).

LATEST PRESS RELEASES

Date	Number	Title	E	F	B/C/S
16/01/2008	1212	STATEMENT OF SERGE BRAMMERTZ, PROSECUTOR OF THE ICTY	E		B/C/S

Internet address: <http://www.un.org/icty>

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LATEST FILED DOCUMENTS

SignatureDate	CaseNumber	CaseDescription	DocumentTitle
11-Jan-08	IT-05-87	Milutinovic et al.	STATE REPORT ON PROVISIONAL RELEASE OF MR. MILAN MILUTINOVIC (ENG&BCS)
11-Jan-08	IT-05-88/2	Zdravko Tolimir	REGISTRAR'S NOTIFICATION REGARDING THE ASSIGNMENT OF LEGAL ASSISTANCE TO THE ACCUSED
11-Jan-08	IT-04-74	Prlic and Others	DÉCISION RELATIVE À LA DEMANDE D'ADMISSION DE TÉMOIGNAGES PRÉSENTÉE PAR L'ACCUSATION EN APPLICATION DE L'ARTICLE 92 BIS DU RÈGLEMENT
11-Jan-08	IT-03-67	Seselj	DECISION ON VOJISLAV SESELJ'S MOTION FOR RECONSIDERATION OF THE DECISION OF 30 AUGUST 2007 ON ADOPTING PROTECTIVE MEASURES
11-Jan-08	IT-03-67	Seselj	DÉCISION SUR LA REQUÊTE PRÉSENTÉE PAR VOJISLAV SESELJ AUX FINS DE RÉEXAMEN DE LA DÉCISION DU 30 AOUT 2007 PORTANT ADOPTION DE MESURES DE PROTECTION
11-Jan-08	IT-05-88	Popovic et al	CORRESPONDENCE FROM THE STATE RE. PROVISIONAL RELEASE RETURN [WINTER RECESS 2007]
11-Jan-08	IT-03-67	Seselj	PROSECUTION NOTICE OF WITHDRAWAL OF MOTION BEARING REGISTRY NO. D26227-D26191
11-Jan-08	IT-03-67-AR73.6	Seselj (Interlocutory)	PROCÈS-VERBAL OF RECEPTION OF BCS TRANSLATION OF "PROSECUTION'S RESPONSE TO THE ACCUSED'S INTERLOCUTORY APPEAL AGAINST THE ORAL DECISION OF 7 NOVEMBER 2007"
14-Jan-08	IT-95-11-A	Martic (Appeal)	RESPONDENT'S BRIEF ON BEHALF OF APPELLANT
14-Jan-08	IT-05-88/2	Zdravko Tolimir	PROSECUTION RESPONSE TO THE ACCUSED'S MOTIONS DATED 3 AND 7 JANUARY 2008
14-Jan-08	IT-04-83	Delic	DEFENCE RESPONSE TO MOTION TO VARY "DECISION ON SIXTH PROSECUTION MOTION FOR ADMISSION OF EVIDENCE PURSUANT TO RULE 92 BIS"
14-Jan-08	IT-03-69	Stanisic & Simatovic	PROSECUTION RESPONSE TO SECOND STANISIC DEFENCE MOTION ON FITNESS OF THE ACCUSED TO STAND TRIAL AND SUBMISSION OF MEDICAL REPORTS
14-Jan-08	IT-06-90-AR65.2	Markac (Interlocutory)	PROSECUTION REQUEST FOR EXTENSION OF TIME TO RESPOND TO MARKAC'S APPEAL
14-Jan-08	IT-06-90	Gotovina et Al.	DEFENDANT ANTE GOTOVINA'S NOTICE TO THE TRIAL CHAMBER PURSUANT TO RULE 94 BIS CONCERNING THE TESTIMONY OF

			ANDREW PRINGLE
14-Jan-08	IT-05-87	Milutinovic et al.	REPORT ON USE OF TIME IN THE TRIAL PERIOD ENDING 14 DECEMBER 2007
14-Jan-08	IT-04-81	Perisic	MOMCILO PERISIC'S WAIVER OF APPEARANCE FOR 15 JANUARY 2008 STATUS CONFERENCE
14-Jan-08	IT-06-90	Gotovina et Al.	NOTICE REGARDING THE PROSECUTION SUBMISSION OF EXPERT REPORTS PURSUANT TO RULE 94 BIS
14-Jan-08	IT-06-90	Gotovina et Al.	DEFENDANT MLADEN MARKAC'S JOINDER TO ANTE GOTOVINA'S NOTICES TO THE TRIAL CHAMBER PURSUANT TO RULE 94 BIS CONCERNING THE EXPERT REPORT OF REYNAUD THEUNENS AND THE TESTIMONY OF ANDREW PRINGLE
14-Jan-08	IT-95-11-A	Martic (Appeal)	DEFENCE NOTICE OF APPEAL
14-Jan-08	IT-03-67	Seselj	ORDER ON THE PROSECUTION MOTION FOR THE DISQUALIFICATION OF JUDGE FREDERIK HARHOFF
14-Jan-08	IT-06-90	Gotovina et Al.	DEFENDANT ANTE GOTOVINA'S NOTICE TO THE TRIAL CHAMBER PURSUANT TO RULE 94 BIS CONCERNING THE EXPERT REPORT OF REYNAUD THEUNENS
14-Jan-08	IT-95-11-A	Martic (Appeal)	BOOK OF AUTHORITIES FOR RESPONDENT'S BRIEF ON BEHALF OF APPELLANT
14-Jan-08	IT-04-83	Delic	DECISION ON THE MOTION TO VARY "DECISION ON SIXTH PROSECUTION MOTION FOR ADMISSION OF EVIDENCE PURSUANT TO RULE 92 BIS"
14-Jan-08	IT-03-69	Stanisic & Simatovic	DEFENCE FOR STANISIC'S MOTION FOR ACCESS TO CONFIDENTIAL TESTIMONY AND EXHIBITS IN THE MARTIC CASE PURSUANT TO RULE 75 (G) (I)
14-Jan-08	IT-04-74	Prlic and Others	DÉCISION RELATIVE À LA DEMANDE D'ACCUSATION AUX FINS DE VERSER UNE DÉCLARATION ÉCRITE EN APPLICATION DE L'ARTICLE 92 QUATER DU RÈGLEMENT (HASAN RIZVIC)
14-Jan-08	IT-03-67	Seselj	CORRIGENDUM PROSECUTION'S NOTICE OF FILING OF THE ORIGINAL EXPERT REPORT OF YVES TOMIC IN FRENCH
14-Jan-08	IT-95-11-A	Martic (Appeal)	DEFENCE FOR STANISIC'S MOTION FOR ACCESS TO CONFIDENTIAL TESTIMONY AND EXHIBITS IN THE MARTIC CASE PURSUANT TO RULE 75 (G) (I)
14-Jan-08	IT-95-13/1-A	Mrksic (Appeal)	BOOK OF AUTHORITIES FOR PROSECUTION'S APPEAL BRIEF
14-Jan-08	IT-01-42-A	Strugar et al. (Appeal)	SCHEDULING ORDER
14-Jan-08	IT-05-87	Milutinovic et al.	ORDER RE EXHIBITS P2166 AND P1506
14-Jan-08	IT-05-87	Milutinovic et al.	DECISION ON LAZAREVIC FOURTH AND FIFTH MOTIONS TO AMEND RULE 65TER EXHIBIT LIST

14-Jan-08	IT-03-67	Seselj	ORDONNANCE RELATIVE À LA DEMANDE DE DESSAISSEMENT DU JUGE FREDERIK HARHOFF PRÉSENTÉE PAR L'ACCUSATION
14-Jan-08	IT-03-67	Seselj	PROSECUTION'S MOTION FOR EXTENSION OF TIME TO MOVE FOR CERTIFICATION TO APPEAL THE DECISION OF 7 JANUARY 2008
14-Jan-08	IT-03-67	Seselj	PROCÈS-VERBAL OF RECEPTION OF BCS TRANSLATION OF "PROSECUTION RESPONSE TO OBJECTION BY PROFESSOR VOJISLAV SESELJ TO THE REDUCED MODIFIED AMENDED INDICTMENT WITH ANNEX (CORRIGENDUM)"
14-Jan-08	IT-04-84	Haradinaj et al	PROSECUTION'S FINAL TRIAL BRIEF
15-Jan-08	IT-03-67	Seselj	PROCÈS-VERBAL OF RECEPTION OF BCS TRANSLATION OF "PROSECUTION'S MOTION FOR LEAVE TO ADD A WITNESS TO ITS 65TER WITNESS LIST"
15-Jan-08	IT-06-90-AR65.2	Markac (Interlocutory)	DECISION ON PROSECUTION REQUEST FOR EXTENSION OF TIME
15-Jan-08	IT-05-87	Milutinovic et al.	VLADIMIR LAZAREVIC'S SIXTH MOTION TO AMEND RULE 65TER EXHIBIT LIST
15-Jan-08	IT-05-87	Milutinovic et al.	DEFENCE NOTICE REGARDING EXHIBIT 5D 1242
15-Jan-08	IT-98-29/1-A	Milosevic Dragomir (Appeal)	CERTIFICATE ON THE TRIAL RECORD
15-Jan-08	IT-05-88/2	Zdravko Tolimir	DECISION ON MOTION FOR CERTIFICATION TO APPEAL THE 11 DECEMBER ORAL DECISION
15-Jan-08	IT-03-67	Seselj	DÉCISION RELATIVE À LA QUALITÉ D'EXPERT D'YVES TOMIC
15-Jan-08	IT-97-25/1	Rasevic & Todovic	PROSECUTOR'S REQUEST FOR AN EXTENSION OF TIME TO FILE SIXTH PROGRESS REPORT
15-Jan-08	IT-05-88/2	Zdravko Tolimir	DECISION ON ACCUSED'S SUBMISSION DATED 7 DECEMBER 2007 AND DECISION ON CERTIFICATION TO APPEAL
15-Jan-08	IT-04-79	Stanisic	DEFENCE'S MOTION FOR LEAVE TO REPLY AND PROPOSED REPLY TO PROSECUTION'S RESPONSE TO DEFENCE'S RULE 73(B) REQUEST FOR INTERLOCUTORY APPEAL CERTIFICATION OF TRIAL CHAMBER II'S 14 DECEMBER 2007 DECISION ON ADJUDICATED FACTS
15-Jan-08	IT-04-74	Prlic and Others	ORDONNANCE PORTANT ADMISSION D'ÉLÉMENTS DE PREUVE RELATIFS AU TÉMOIN MIROSLAV RUPCIC
15-Jan-08	IT-04-74	Prlic and Others	ORDONNANCE PORTANT ADMISSION D'ÉLÉMENTS DE PREUVE RELATIFS AU TÉMOIN ANTOON VAN DER GRINTEN
15-Jan-08	IT-04-74	Prlic and Others	ORDONNANCE PORTANT SUR LES DEMANDES D'ADMISSION D'ÉLÉMENTS DE PREUVE RELATIFS AU TÉMOIN CYRIL RIBICIC
16-Jan-08	IT-05-87	Milutinovic et al.	DECISION ON LAZAREVIC MOTION FOR ADMISSION OF DOCUMENTS FROM BAR TABLE
16-Jan-08	IT-04-79	Stanisic	DECISION ON DEFENCE MOTION FOR

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			CERTIFICATION
16-Jan-08	IT-04-82	Boskoski et al	INTERNAL MEMORANDUM RE. VERIFICATION OF ACCURACY OF ENGLISH TRANSCRIPT IN THE BOSKOSKI CASE IT-04-82-T
16-Jan-08	IT-04-74	Prlic and Others	ANNEX B (DVD) TO PROSECUTION SUBMISSION CONCERNING VARIOUS OUTSTANDING EXHIBITS AND REQUESTING THEIR ADMISSION
16-Jan-08	IT-04-74	Prlic and Others	ORDONNANCE PORTANT ADMISSION D'ÉLÉMENTS DE PREUVE RELATIFS AU TÉMOIN AMOR MASOVIC
16-Jan-08	IT-04-82	Boskoski et al	INTERNAL MEMORANDUM RE. VERIFICATION OF ACCURACY OF ENGLISH TRANSCRIPT IN THE BOSKOSKI CASE IT-04-82-T
16-Jan-08	IT-03-67	Seselj	ORDONNANCE RELATIVE À LA REQUÊTE DE L'ACCUSÉ CONCERNANT LA COMMUNICATION DE LA DÉCLARATION ÉCRITE D'UN TÉMOIN EN VERTU DE L'ARTICLE 66 DU RÈGLEMENT DE PROCÉDURE ET DE PREUVE (DOCUMENT 364)
16-Jan-08	IT-04-83	Delic	DECISION ON PROSECUTION SUBMISSION ON THE ADMISSION OF DOCUMENTARY EVIDENCE
16-Jan-08	IT-04-74	Prlic and Others	NOTICE BY THE ACCUSED MR. PETKOVIC (ABSENCE FROM COURT) - INCOMPLETE - NOT VALID
16-Jan-08	IT-04-74	Prlic and Others	NOTICE BY THE ACCUSED MR. PUSIC (ABSENCE FROM COURT) - AMENDED VERSION
16-Jan-08	IT-06-90-AR65.2	Markac (Interlocutory)	PROSECUTION RESPONSE OPPOSING MARKAC'S INTERLOCUTORY APPEAL AGAINST DUTY JUDGE'S ORDER
17-Jan-08	IT-06-90-AR108bis.2	Gotovina et Al. (Interlocutory)	DECISION ON CROATIA'S REQUEST FOR REVIEW OF THE TRIAL CHAMBER'S DECISION ON PROVISIONAL RELEASE
17-Jan-08	IT-05-87	Milutinovic et al.	DECISION ON LAZAREVIC SIXTH MOTION TO AMEND RULE 65TER EXHIBIT LIST
17-Jan-08	IT-02-55	Miscellaneous 6	DECISION ON PROSECUTION'S MOTION FOR A RULING UNDER RULE 73 (A) CONCERNING THE EFFECT OF DEFERRAL UNDER RULE 10 AND RECONSIDERATION OF THE REQUEST FOR DEFERRAL
17-Jan-08	IT-05-88/2	Zdravko Tolimir	DECISION ON TWO MOTIONS FILED 10 JANUARY 2008
17-Jan-08	IT-97-25/1	Rasevic & Todovic	ORDER ON PROSECUTOR'S REQUEST FOR AN EXTENSION OF TIME TO FILE SIXTH PROGRESS REPORT
17-Jan-08	IT-06-90-AR65.1	Gotovina, Cernak, Markac(Interlocutory)	DECISION ON ANTE GOTOVINA'S APPEAL AGAINST DENIAL OF PROVISIONAL RELEASE
17-Jan-08	IT-04-81	Perisic	DECISION ON PROSECUTION'S FILINGS OF SECOND AMENDED INDICTMENT
17-Jan-08	IT-04-74	Prlic and Others	JOINT MOTION FOR EXTENSION OF TIME FOR THE COMMENCEMENT OF THE DEFENCE CASE
17-Jan-08	IT-04-74	Prlic and Others	ORDONNANCE PORTANT SUR LE STATUT DES PIÈCES MARQUÉES AUX FINS D'IDENTIFICATION
17-Jan-08	IT-04-74	Prlic and Others	NOTICE BY THE ACCUSED MR. PUSIC

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			(ABSENCE FROM COURT)
17-Jan-08	IT-04-82	Boskoski et al	BOSKOSKI DEFENCE RESPONSE TO PROSECUTION MOTION FOR ADMISSION OF TRANSCRIPTS OF VIDEO MATERIAL
17-Jan-08	IT-04-74	Prlic and Others	DECISION PORTANT ADMISSION DE COMPTES RENDUS PRÉSIDENTIELS
18-Jan-08	IT-03-69	Stanisic & Simatovic	DEFENCE NOTIFICATION ON OUTSTANDING TRANSLATIONS OF PROSECUTION DISCLOSURES
18-Jan-08	IT-05-88	Popovic et al	NOTICE BY THE ACCUSED BEARA REGARDING ABSENCE FROM COURT (DUE TO ILLNESS)

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