



11 December 2009

ICTY WEEKLY UPDATE – 562

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

GOTOVINA *et al.* Case

Trial Chamber I – Judges Orić (Presiding), Ćirić and Gwaunza

Continuation of the Defence case (Mladen Markač)

From 7 until 9 December 2009, the following witness testified:

- *Joško Morić (Assistant Minister of Interior of Croatia during the relevant period)*

On 9 and 10 December 2009, the following witness testified:

- *Dražen Vitez (Assistant Commander of the special police unit of the Varaždin police administration during the relevant period)*

On 11 December 2009, the parties met before the Chamber for a hearing about the Defence requests that all actions by the Croatian authorities against the staff, equipment, information and premises of the Gotovina and Markač Defence be frozen. Representatives of the Croatian Government were present.

PRLIĆ *et al.* Case

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

Continuation of the Defence case (Milivoj Petković)

On 7 December 2009, the following witness testified:

- *Filip Filipović (HVO officer in central Bosnia during the relevant period)*

On 8 and 9 December 2009, the following witness testified:

- *Božo Perić (HVO officer in central Bosnia during the relevant period)*

The trial will resume on 11 January 2010.

DORĐEVIĆ Case

Trial Chamber II – Judges Parker (Presiding), Flügge and Baird

Continuation of the Defence case

From 7 until 11 December 2009, the following witness testified:

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

LPTV, Communications Service

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- *Vlastimir Đorđević (the accused)*

STANIŠIĆ&SIMATOVIĆ Case

Trial Chamber I – Judges Orić (Presiding), Picard and Gwaunza

Continuation of the Prosecution case

On 8 December 2009, the following witness testified:

- *Marko Miljanić (Croatian police officer in the village of Škabrnja during the relevant period)*

On 8 and 9 December 2009, the following witness testified (*mostly in closed session*):

- *Witness JF-006*

STANIŠIĆ&ŽUPLJANIN Case

Trial Chamber II – Judges Hall (Presiding), Delvoie and Harhoff

Continuation of the Prosecution case

On 7 December 2009, the following witness testified (*closed session*):

- *Witness ST-140*

From 8 until 11 December 2009, the following witness testified:

- *Dorothea Hanson (expert witness-historian/testifying about the Crisis Staffs in BiH)*

II. OVERVIEW OF SELECTED COURT DOCUMENTS

KARADŽIĆ Case

Trial Chamber III – Judges Kwon (Presiding), Morrison, Baird and Lattanzi (Reserve Judge)

DECISION ON THE ACCUSED'S MOTION CHALLENGING THE LEGAL VALIDITY AND LEGITIMACY OF THE TRIBUNAL

On 7 December 2009, the Trial Chamber dismissed the motion by Karadžić challenging the legal validity and legitimacy of the ICTY.

PERIŠIĆ Case

Trial Chamber I – Judges Moloto (Presiding), David and Picard

DECISION ON MR PERIŠIĆ'S MOTION FOR PROVISIONAL RELEASE

On 7 December 2009, Trial Chamber I ordered the provisional release of the accused from 9 December 2009 until 14 January 2010.

MRKŠIĆ et al. Case

Appeals Chamber – Judges Meron (Presiding), Güney, Pocar, Daqun and Vaz

DECISION ON MOTION ON BEHALF OF VESELIN ŠLJIVANČANIN SEEKING RECONSIDERATION OF THE JUDGEMENT RENDERED BY THE APPEALS CHAMBER ON 5 MAY 2009 – OR AN ALTERNATIVE REMEDY

On 8 December 2009, the Appeals Chamber dismissed the motion by Šljivančanin to reconsider the appeal judgement or order a new trial in respect of count 4 of the indictment.

TOLIMIR Case

Trial Chamber II – Judges Prost (Presiding), Flügge and Mindua

DECISION WITH REASONS TO FOLLOW ON PROSECUTION MOTION TO AMEND THE SECOND AMENDED INDICTMENT

On 9 December 2009, the Trial Chamber granted the Prosecution motion to amend the current indictment and ordered that the third amended indictment should be the operative indictment in this case and that the hearing scheduled as a Pre-Trial Conference for 16 December 2009 be redesignated as a Status Conference during which the accused would enter a plea on the new charges. Furthermore, it was ordered that the Pre-Trial Conference scheduled for 16 December and the opening statement scheduled for 17 December 2009 be postponed for a period of at least two months until a date to be decided.

COURTROOM SCHEDULE: 14 DECEMBER – 18 DECEMBER 2009*

MONDAY 14 DECEMBER

Courtroom I 09:00 – 17:00, **Dorđević**, Trial
Courtroom II 09:00 – 13:45, **Stanišić&Župljanin**, Trial
14:15 – 19:00, **Stanišić&Simatović**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al.**, Trial

TUESDAY 15 DECEMBER

Courtroom I 09:00 – 13:45, **Stanišić&Župljanin**, Trial
Courtroom II 09:00 – 13:45, **Dorđević**, Trial
14:15 – 19:00, **Stanišić&Simatović**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al.**, Trial

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WEDNESDAY 16 DECEMBER

Courtroom I 09:00 – 13:45, **Stanišić&Župljanin**, Trial
14:15 – 19:00, **Tolimir**, Status Conference/Further Appearance
Courtroom III 09:00 – 13:45, **Gotovina et al.**, Trial

THURSDAY 17 DECEMBER

Courtroom I 09:00 – 13:45, **Stanišić&Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Gotovina et al.**, Trial

FRIDAY 18 DECEMBER

Courtroom III 09:00 – 13:45, **Gotovina et al.**, Trial

* The courtroom schedule is subject to change and you are invited to check for last minute changes on <http://www.icty.org> or with the Media Office directly (+31-70-512-8752, -5343, or -5356)

Public proceedings are also broadcast with a 30 minute delay on the ICTY's web site:
<http://www.icty.org> (in English)
<http://www.icty.org/bhs> (na bosanskom/hrvatskom/srpskom).

LATEST FILED DOCUMENTS

Signature Date	Case Number	Case Description	Document Title
03-Dec-09	IT-04-81	Perisic	PROSECUTION RESPONSE TO MR PERISIC'S MOTION FOR PROVISIONAL RELEASE
04-Dec-09	IT-02-54-R77.5-A	Hartmann (Appeal)	FLORENCE HARTMANN'S REPLY BRIEF
04-Dec-09	IT-06-90	Gotovina et Al.	CD-ROM ENCLOSURE TO PROSECUTION'S SUBMISSION OF MISSING ARTILLERY DOCUMENTS RECEIVED FROM CROATIA
04-Dec-09	IT-04-74	Prlic and Others	JADRANKO PRLIC'S RESPONSE TO PROSECUTION MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, FOR CERTIFICATION TO APPEAL OF 24 NOVEMBER 2009
04-Dec-09	IT-95-5/18	Karadzic	MOTION TO VACATE APPOINTMENT OF RICHARD HARVEY
04-Dec-09	IT-08-91	Stanisic & Zupljanin	DECISION GRANTING PROSECUTION'S MOTION FOR RE-CONSIDERATION OF THE TRIAL CHAMBER'S DECISION ON DOCUMENTS RELATED TO DOROTHEA HANSON (ST158)

04-Dec-09	IT-03-69	Stanisic & Simatovic	DEFENCE MOTION REQUESTING PROVISIONAL RELEASE DURING THE WINTER COURT RECESS
04-Dec-09	IT-03-69	Stanisic & Simatovic	DEFENCE RESPONSE TO PROSECUTION FIRST MOTION FOR ADMISSION OF EXHIBITS FROM BAR TABLE AND REQUEST FOR POSTPONEMENT
04-Dec-09	IT-95-5/18	Karadzic	ORDER SETTING A DEADLINE FOR REGISTRY SUBMISSION ON ACCUSED'S MOTION TO VACATE APPOINTMENT OF RICHARD HARVEY
04-Dec-09	IT-08-91	Stanisic & Zupljanin	DECISION GRANTING PROSECUTION'S SECOND MOTION FOR LEAVE TO AMEND ITS RULE 65 TER EXHIBIT LIST TO ADD DOCUMENTS RELATED TO CHRISTIAN NIELSEN (ST092)
04-Dec-09	IT-05-87-A	Sainovic et al (Appeal)	DECISION ON DRAGOLJUB OJDANIC'S SECOND MOTION TO AMEND HIS NOTICE OF APPEAL
04-Dec-09	IT-04-81	Perisic	PROSECUTION RESPONSE TO DEFENCE MOTION FOR RECONSIDERATION OF TRIAL CHAMBER DECISION OF 16 NOVEMBER 2009
07-Dec-09	IT-95-5/18	Karadzic	DECISION ON THE ACCUSED'S MOTION CHALLENGING THE LEGAL VALIDITY AND LEGITIMACY OF THE TRIBUNAL
07-Dec-09	IT-04-74	Prlic and Others	DECISION MODIFIANT LES DECISIONS RELATIVE A L'ADMISSION DES DEPOSITIONS DE STJEPAN MESIC DU TEMOIN DP
07-Dec-09	IT-04-81	Perisic	ODLUKA PO ZAHTEVU G. PERISICA ZA PRIVREMENO PUSTANJE NA SLOBODU
07-Dec-09	IT-05-87/1	Dordevic Vlastimir	DECISION ON PROSECUTION'S MOTION TO RE-OPEN THE CASE AND EXCEED THE WORD LIMIT AND SECOND MOTION TO ADMIT EXHIBITS FROM THE BAR TABLE
07-Dec-09	IT-04-81	Perisic	DECISION ON PROSECUTION'S REPORT RELATING TO OPEN SOURCE DOCUMENTS

07-Dec-09	IT-95-5/18	Karadzic	DECISION ON THE PROSECUTION'S "MOTION FOR RECONSIDERATION AND RESCISSION OF THE ORDER TO DISCLOSE ISSUED IN TRIAL CHAMBER'S 'DECISION ON MOTION BY RADOVAN KARADZIC FOR ACCESS TO CONFIDENTIAL MATERIALS IN THE LUKIC AND LUKIC CASE' OF 10 JULY 2009"
07-Dec-09	IT-05-87/1	Dordevic Vlastimir	VLASTIMIR DORDEVIC'S RESPONSE TO PROSECUTION'S SECOND MOTION TO RE-OPEN THE CASE AND SUBMISSION OF PROOF-OF-DEATH CHARTS
07-Dec-09	IT-04-81	Perisic	DECISION ON MR PERISIC'S MOTION FOR PROVISIONAL RELEASE
07-Dec-09	IT-03-69	Stanisic & Simatovic	DEFENCE RESPONSE TO PROSECUTION FIRST MOTION FOR ADMISSION OF EXHIBITS FROM THE BAR TABLE
07-Dec-09	IT-05-88/2	Zdravko Tolimir	REQUEST TO APPEAL PART OF THE PRE-TRIAL CHAMBER'S DECISION ON THE REQUESTS CONTAINED IN THE ACCUSED'S PRE-TRIAL BRIEF (ENG&BCS)
07-Dec-09	IT-03-69	Stanisic & Simatovic	STANISIC WEEKLY MEDICAL REPORT [07/12/2009]
07-Dec-09	IT-05-88/2	Zdravko Tolimir	APPLICATION TO THE CHAMBER FOR LEAVE TO APPEAL THE DECISION ON PROSECUTION'S MOTION FOR ADMISSION OF EVIDENCE PURSUANT TO RULE 92 QUATER (ENG&BCS)
07-Dec-09	IT-95-13/1-A	Mrksic (Appeal)	PROSECUTION'S RESPONSE TO ICDA AND NACDL REQUEST TO APPEAR AS AMICI CURIAE
07-Dec-09	IT-04-74	Prlic and Others	ORDONNANCE PORTANT ADMISSION D'ELEMENTS DE PREUVE RELATIFS AU TEMOIN IVAN BENETA
07-Dec-09	IT-04-74	Prlic and Others	NOTICE BY THE ACCUSED MR PRALJAK (ABSENCE FROM COURT)

07-Dec-09	IT-98-32/1-A	Lukic et al (Appeal)	DECISION ON THE PROSECUTION'S "PROSECUTION'S MOTION FOR RECONSIDERATION AND RESCISSION OF THE ORDER TO DISCLOSE ISSUED IN TRIAL CHAMBER'S "DECISION ON MOTION BY RADOVAN KARADZIC FOR ACCESS TO CONFIDENTIAL MATERIALS IN THE LUKIC AND LUKIC CASE" OF 10 JULY
07-Dec-09	IT-95-5/18	Karadzic	SECOND NOTICE OF REQUEST TO UNITED NATIONS SECURITY COUNCIL
07-Dec-09	IT-04-74	Prlic and Others	DECISION PORTANT SUR LA DEMANDE DE LA DEFENSE PRLIC DE CERTIFICATION D'APPEL
08-Dec-09	IT-06-90	Gotovina et Al.	PROSECUTION'S RESPONSE TO DEFENDANT MLADEN MARKAC'S SUBMISSION OF RULE 92 TER STATEMENT FOR WITNESS MM-12
08-Dec-09	IT-04-74-AR65.19	Prlic and Others (Interlocutory)	ORDER ASSIGNING JUDGES TO A CASE BEFORE THE APPEALS CHAMBER
08-Dec-09	IT-03-69	Stanisic & Simatovic	STANISIC ADDITIONAL MEDICAL REPORT [08/12/2009]
08-Dec-09	IT-06-90	Gotovina et Al.	GOTOVINA DEFENCE REQUEST FOR CERTIFICATE TO APPEAL THE TRIAL CHAMBER'S DECISION ON MOTION FOR NON-DISCLOSURE ORDER DIRECTED TO PROSECUTOR SERGE BRAMMERTZ
08-Dec-09	IT-04-74	Prlic and Others	JOINT RESPONSE OF ACCUSED STOJIC, PRALJAK, PETKOVIC, CORIC AND PUSIC TO THE PROSECUTION'S 30 NOVEMBER 2009 MOTION FOR CLARIFICATION ON THE USE OF "NEW" DOCUMENTS DURING CROSS-EXAMINATION
08-Dec-09	IT-03-69	Stanisic & Simatovic	NOTICE RE NON-ATTENDANCE IN COURT (MR STANISIC) (08/12/2009)
08-Dec-09	IT-06-90	Gotovina et Al.	PROSECUTION'S RESPONSE TO DEFENDANT MLADEN MARKAC'S SUBMISSION OF RULE 92 TER STATEMENT FOR WITNESS MM-16

08-Dec-09	IT-08-91	Stanisic & Zupljanin	DECISION DENYING PROSECUTION'S REQUEST FOR ADMISSION OF UNEXHIBITED DOCUMENTS THROUGH WITNESS ST161
08-Dec-09	IT-06-90	Gotovina et Al.	IVAN CERMAK'S MOTION FOR ADMISSION OF DOCUMENTS INTO EVIDENCE ("BJELINA MURDERS")
08-Dec-09	IT-06-90	Gotovina et Al.	PROSECUTION'S CORRIGENDUM TO SUBMISSION OF MISSING ARTILLERY DOCUMENTS RECEIVED FROM CROATIA
08-Dec-09	IT-05-88/2	Zdravko Tolimir	DECISION ON THE ACCUSED'S REQUEST FOR LEAVE TO APPEAL THE ORAL RULING OF THE CHAMBER OF 22 OCTOBER 2009
08-Dec-09	IT-95-13/1-A	Mrksic (Appeal)	DECISION ON MOTION ON BEHALF OF VESELIN SLJIVANCANIN SEEKING RECONSIDERATION OF THE JUDGEMENT RENDERED BY THE APPEALS CHAMBER ON 5 MAY 2009 - OR AN ALTERNATIVE REMEDY
08-Dec-09	IT-05-88/2	Zdravko Tolimir	ODLUKA PO ZAHTJEVU OPTUZENOG ZA ODOBRENJE DA ULOZI ZALBU NA USMENU ODLUKU VIJECA OD 22. OKTOBRA 2009
08-Dec-09	IT-05-87/1	Dordevic Vlastimir	INTERNAL MEMORANDUM RE ASSIGNMENT OF EXHIBIT NUMBER PURSUANT TO TRIAL CHAMBER'S "DECISION PROSECUTION'S MOTION TO RE-OPEN THE CASE AND EXCEED THE WORD LIMIT AND SECOND MOTION TO ADMIT EXHIBITS FROM THE BAR TABLE", OF 7 DECEMBER 2009
08-Dec-09	IT-04-81	Perisic	REQUEST FOR LEAVE TO REPLY AND REPLY TO PROSECUTION SUBMISSION REGARDING OUTSTANDING DOCUMENTS LABELLED "MARKED FOR IDENTIFICATION"
09-Dec-09	IT-05-88/2	Zdravko Tolimir	ODLUKA S OBRAZLOZENJEM KOJE CE USLIJEDITI U VEZI SA ZAHTJEVOM TUZILASTVA ZA IZMJENU DRUGE

			IZMIJENJENE OPTUZNICE
09-Dec-09	IT-05-88/2	Zdravko Tolimir	DECISION WITH REASONS TO FOLLOW ON PROSECUTION MOTION TO AMEND THE SECOND AMENDED INDICTMENT
09-Dec-09	IT-03-69	Stanisic & Simatovic	PROSECUTION REQUEST FOR LEAVE TO REPLY TO DEFENCE RESPONSE TO PROSECUTION MOTION FOR ADMISSION OF WRITTEN EVIDENCE OF WITNESS JF-005 PURSUANT TO RULE 92 TER
09-Dec-09	IT-03-69	Stanisic & Simatovic	PROSECUTION RESPONSE TO FRANKO SIMATOVIC'S DEFENCE MOTION REQUESTING PROVISIONAL RELEASE DURING THE WINTER COURT RECESS
09-Dec-09	IT-03-69	Stanisic & Simatovic	NOTICE RE NON-ATTENDANCE IN COURT (MR STANISIC) (09/12/2009)
09-Dec-09	IT-04-81	Perisic	DECISION ON PROSECUTION'S SUBMISSION OF SUPPLEMENTARY INFORMATION OF MAJOR GENERAL MUNGO MELVIN
09-Dec-09	IT-04-74	Prlic and Others	INTERNAL MEMORANDUM REGARDING TIME MONITORING; PERIOD ENDING 30 NOVEMBER 2009
09-Dec-09	IT-03-69	Stanisic & Simatovic	DEFENCE SUBMISSION ON THE DECISION FOR JUDICIAL NOTICE OF ADJUDICATED FACTS
10-Dec-09	IT-04-74-AR65.22	Prlic and Others (Interlocutory)	ORDER ASSIGNING JUDGES TO A CASE BEFORE THE APPEALS CHAMBER
10-Dec-09	IT-04-74-AR65.21	Prlic and Others (Interlocutory)	ORDER ASSIGNING JUDGES TO A CASE BEFORE THE APPEALS CHAMBER
10-Dec-09	IT-04-74-AR65.20	Prlic and Others (Interlocutory)	ORDER ASSIGNING JUDGES TO A CASE BEFORE THE APPEALS CHAMBER
10-Dec-09	IT-08-91	Stanisic & Zupljanin	INTERNAL MEMORANDUM RE ASSIGNMENT OF EXHIBIT NUMBERS TO DOCUMENTS PURSUANT TO 8 DECEMBER 2009 ORAL RULING
10-Dec-09	IT-04-74	Prlic and Others	PROSECUTION FILING OF "IC LIST" OF EXHIBITS TENDERED FOR ADMISSION IN CONNECTION WITH THE

			WITNESS FILIPOVIC
10-Dec-09	IT-03-69	Stanisic & Simatovic	PROSECUTION RESPONSE TO THIRD URGENT STANISIC DEFENCE MOTION FOR PROVISIONAL RELEASE
10-Dec-09	IT-05-87/1	Dordevic Vlastimir	INTERNAL MEMORANDUM RE VERIFICATION OF ACCURACY OF INTERPRETATION IN CASE NO. IT-05-87/1-T, HEARING OF 9 DECEMBER 2009
10-Dec-09	IT-06-90	Gotovina et Al.	NOTICE BY THE ACCUSED MR MARKAC RE ABSENCE FROM COURT (10/12/2009)
10-Dec-09	IT-06-90	Gotovina et Al.	NOTICE BY THE ACCUSED MR GOTOVINA RE ABSENCE FROM COURT (10/12/2009)
10-Dec-09	IT-06-90	Gotovina et Al.	DEFENDANT ANTE GOTOVINA'S MOTION FOR A SUBPOENA DUCES TECUM TO PROSECUTOR SERGE BRAMMERTZ TO APPEAR AT THE HEARING OF 16 DECEMBER 2009
10-Dec-09	IT-04-81	Perisic	MR PERISIC'S MOTION FOR RECONSIDERATION OF THE TRIAL CHAMBER'S ORAL ORDER ON THE FILING OF THE 65TER (G) LIST
10-Dec-09	IT-08-91	Stanisic & Zupljanin	INTERNAL MEMORANDUM RE ASSIGNMENT OF EXHIBIT NUMBERS TO DOCUMENTS PURSUANT TO 26 NOVEMBER 2009 ORAL RULING
11-Dec-09	IT-06-90	Gotovina et Al.	NALOG KOJIM SE ZAKAZUJE RASPRAVA
11-Dec-09	IT-06-90	Gotovina et Al.	NOTICE BY THE ACCUSED MR GOTOVINA RE. ABSENCE FROM COURT (11/12/2009)
11-Dec-09	IT-06-90	Gotovina et Al.	NOTICE BY THE ACCUSED MR MARKAC RE ABSENCE FROM COURT (11/12/2009)
11-Dec-09	IT-06-90	Gotovina et Al.	ORDER SCHEDULING A HEARING

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