



3 December 1999

ICTY WEEKLY UPDATE – 104

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

SIMIĆ & OTHERS CASE

Trial Chamber III – Judges Robinson (Presiding), Bennouna and Hunt

This week the Trial Chamber heard witnesses called by Milan Simić and his counsel, Branimir Avramović. The contempt proceedings subsequently concluded on Thursday.

On Monday, Mr. Goran Nesković, Simić's former lawyer, investigator for Mr. Avramović and subsequent counsel for Stevan Todorović testified, after which Ms. Jasna Marosević gave her evidence.

Ms. Marosević introduced Mr. Agnes to Mr. Vuković, Simić's former counsel, in August 1998 at the café at which she works. Her testimony covered, amongst other things, a bag and its contents allegedly left by Mr Agnes in her house before he came to The Hague and which she subsequently handed over to Mr. Avramović.

Ms. Marosević's cross-examination by the Prosecution was concluded on Tuesday.

Mr. Avramović commenced his testimony on Tuesday, his cross-examination by the Prosecution concluded on Wednesday.

On Thursday, Milan Simić, the final witness to give evidence in the contempt hearings, testified. The Prosecution and Defence then made their respective closing submissions. The Trial Chamber has now adjourned to consider its decision.

KORDIĆ & ČERKEZ CASE

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

Further to orders issued by the Trial Chamber on 29, 30 November and 2 December 1999, and with the agreement of all parties, the witnesses called this week gave evidence by way of deposition due to the absence of Judge Robinson.

On Monday, Johan Verhoeven, a commander in the Belgian army, testified.

Mr. Verhoeven was ECMM monitor from mid-July until October 1993 and leader of team V1, whose area of responsibility was from Travnik in the north through Guca Gora, Busovaca and Vitez. His testimony covered amongst other things military and political matters in central Bosnia at the relevant time.

On Tuesday, Mr. Ole Brix-Andersen gave evidence. Mr. Brix-Andersen was the head of the Danish delegation to the ECMM from approximately 1 September 1992 to 1 July 1993 and was the deputy head of mission (political) at ECMM's headquarters in the former Yugoslavia in Zagreb, Croatia from approximately 1 January 1993. His cross-examination was concluded on Wednesday.

On Thursday, the Trial Chamber heard the testimony of two protected witnesses, Witness W and Witness X.

The week's hearing concluded on Friday in closed session

BLAŠKIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Shahabuddeen and Rodrigues

The Trial Chamber held a status conference in closed session on Thursday.

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

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II. OVERVIEW OF COURT DOCUMENTS

NALETILIĆ & MARTINOVIĆ CASE

MARTINOVIC'S APPEAL AGAINST REFUSAL TO ASSIGN COUNSEL REJECTED

On 30 November 1999, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) rejected Martinović's appeal against the decision of the Registrar, dated 12 October 1999, denying the accused's request for assignment of counsel (see Update No. 97).

Considering that it is not clear that the accused lacks the means to permit him to conduct his defence, and consequently that by refusing the request the Registrar has not committed an obvious error in her assessment such as to justify the decision being overturned, the Trial Chamber stated that the accused must present to the Registrar any new element relating to the possibility of the Tribunal bearing all or part of the costs and fees incurred in the conduct of his defence.

KUPREŠKIĆ & OTHERS CASE

LEAVE TO APPEAL DECISION ON PROVISIONAL RELEASE OF ZORAN AND MIRJAN KUPRESKIC REJECTED

On 1 December 1999, a Bench of the Appeals Chamber (Judges Wang (Presiding), Nieto-Navia and Hunt) refused the request of Zoran and Mirjan Kupreškić, dated 17 November 1999, for leave to appeal against the oral decision on the motions for provisional release handed down by Trial Chamber II (Judges Cassese (Presiding), May and Mumba) on 11 November 1999 (see Update No. 101).

Considering that the appellants have failed to establish error on the part of the Trial Chamber in determining an absence of exceptional circumstances, the Bench found that the request has not shown good cause.

KUNARAC & KOVAČ CASE

THIRD AMENDED INDICTMENT ISSUED

Noting the decision on the form of the indictment issued by Trial Chamber II (Judges Mumba (Presiding), Cassese and Hunt) on 4 November 1999 in which the Prosecutor was directed to amend the indictment dated 3 September 1999 (see Update No. 100), on 1 December 1999, Judge Vohrah granted the Prosecutor's motion for leave to file an amended indictment and confirmed the third amended indictment.

The third amended indictment was subsequently submitted by the Prosecutor on 2 December 1999.

COURTROOM SCHEDULE: 6 – 10 DECEMBER *

MONDAY 6 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

TUESDAY 7 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

WEDNESDAY 8 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

THURSDAY 9 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, 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.

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