



2 March 2001

ICTY WEEKLY UPDATE – 162

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

KORDIĆ & ČERKEZ CASE (“Lašva Valley”)

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

On Monday 26 February the Trial Chamber rendered its Judgement. Sentencing Kordić to 25 years' imprisonment and Čerkez to 15 years' imprisonment, the Trial Chamber found that Kordić “*was a regional leader and lent himself enthusiastically to the common design of persecution by planning, preparing and ordering those parts of the campaign which fell within his sphere of authority*” and that Čerkez “*as commander of the Viteška Brigade, participated in the attacks on Vitez, Stari Vitez and Večeriska ... and failed to take the necessary measures to prevent those attacks, failed to punish those who were responsible for them*” (see Press Release 567).

II. OVERVIEW OF COURT DOCUMENTS:

KRAJIŠNIK CASE and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

ORDER FOR JOINDER OF CASES

On 23 February 2001, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued its decision on the prosecution motion for joinder of the *Krajišnik* case to the *Plavšić* case, filed on 23 January 2001.

Granting the motion and ordering that the prosecution submit a consolidated indictment within 14 days of this decision, the Trial Chamber considered that Krajišnik and Plavšić are “*accused of identical crimes committed in the course of the same transaction within the same time frame and in the same locations*” and that “*a joint trial would accelerate the trial of one accused, Biljana Plavšić, without prejudice to her or to the rights of the other accused, avoid duplication of evidence, minimise hardship caused to other witnesses in travelling to the seat of the International Tribunal in order to testify, and is generally in the interests of judicial economy*”.

On the same day the Registrar assigned the joined cases to the new case number: IT-00-39 &40.

BRĐANIN & TALIĆ CASE (“Krajina”)

DECISION ON OBJECTIONS BY BRĐANIN TO THE FORM OF THE AMENDED INDICTMENT

On 23 February 2001, Trial Chamber III (Judges Hunt (Presiding), Mumba and Liu) issued its decision on a motion filed by Brđanin on 5 February 2001, alleging defects in the form of the amended indictment.

Upholding Brđanin's complaint that the amended indictment fails to provide sufficient information, the Trial Chamber ordered the prosecution to file a further amended indictment by 13 March 2001. A decision on a similar motion filed by Talić was issued by the Trial Chamber on 20 February 2001 (see Weekly Update 161).

Cont.

TODOROVIĆ CASE (“Bosanski Šamac”)

DECISION ON PROSECUTION MOTION TO WITHDRAW COUNTS OF THE INDICTMENT AND DEFENCE MOTION TO WITHDRAW PENDING MOTIONS

On 26 February 2001, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) granted in part the prosecution’s motion to withdraw counts in the indictment against Todorović, filed on 23 January 2001 and Todorović’s motion to withdraw all pending motions, filed by the defence on the same date.

Noting that the defence request for disclosure of reports and documents from SFOR and NATO and for subpoenas issued to, *inter alia*, General Shinseki have already been determined by the Trial Chamber in its decision of 18 October 2000 (see Weekly Update 144), and that the execution of this decision was suspended by an order of the Appeals Chamber, dated 8 November 2000 (see Weekly Update 147), the Trial Chamber ordered that:

- (1) Counts 2 to 27 of the indictment against Todorović are withdrawn without prejudice and reserving the right of the prosecution to apply to reinstate the counts should the accused fail to comply fully with the plea and co-operation agreement between the prosecution and Todorović, dated 28 November 2000 (see Weekly Update 152).
- (2) All motions filed by the accused and currently pending before the Trial Chamber are withdrawn without prejudice and reserving the right for the defence to apply to reinstate such motions should the prosecution deem the accused not to have complied fully with the above-mentioned plea and co-operation agreement.

The defence motions withdrawn are: (a) the motion for an evidentiary hearing on arrest, detention and removal of Todorović and for extension of time to move to dismiss the indictment, filed 11 February 1999; (b) the motion for an order directing the Prosecutor to forthwith return Todorović to the country of refuge, filed 21 October 1999; (c) Todorović’s petition for a *writ of habeas corpus*, filed 15 November 1999; and (d) the motion requesting judicial assistance from the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide documents and witnesses, filed 2 August 2000.

ORDER ON DEFENCE MOTION FOR MEDICAL EXAMINATION

On 27 February 2001, the Trial Chamber issued its order on Todorović’s motion for the appointment of an expert witness, medical examination and notice of diminished mental capacity as to mitigation of sentence, filed on 20 February 2001.

Considering that it is in the interests of justice that the Trial Chamber be in possession of all factors that would assist it in evaluating the relevant sentence to be imposed on the accused, the Trial Chamber ordered that a medical examination of Todorović shall be carried out and a copy of the medical reports be filed by 3 April 2001. The Trial Chamber also ordered the defence to file its notice of special defence of diminished responsibility on 3 April 2001. In addition the Trial Chamber varied its order of 24 January 2001 (see Weekly Update 157) ordering that all submissions and details of witnesses shall be filed by the parties by 17 April 2001 instead of 1 March 2001 as previously ordered.

TADIĆ CASE (“Prijedor”)

APPEAL JUDGEMENT IN VUJIN CONTEMPT

On 27 February 2001, the Appeals Chamber (Judges Jorda (Presiding), Bennouna, Wald, Pocar and Liu) dismissed Mr. Milan Vujin’s appeal against the finding of contempt entered against him on 31 January 2000.

Confirming the previous judgement, the Appeals Chamber imposed a fine of 15,000 Dutch Guilders to be paid within 21 days and directed the Registrar to consider striking Mr. Vujin, former counsel of Duško Tadić, off the list of assigned counsel or suspend him for a given period and report his conduct to the professional body to which he belongs.

Cont.

COURTROOM SCHEDULE: 5 – 9 MARCH*

MONDAY 5 MARCH

UN HOLIDAY

TUESDAY 6 MARCH

Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

WEDNESDAY 7 MARCH

Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

THURSDAY 8 MARCH

Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

FRIDAY 9 MARCH

Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, 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.

Public proceedings are also broadcast with a 30 minute delay on the ICTY's web site:

<http://www.un.org/icty/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 23 FEBRUARY:

DATE	NUMBER	TITLE	E	F	B/C/S
26/02/2001	567	JUDGEMENT OF TRIAL CHAMBER III IN THE KORDIĆ AND ČERKEZ CASE	E	F	B/C/S
27/02/2001	568	THE PROSECUTOR MEETS US SECRETARY OF STATE, MR. COLIN POWELL	E		B/C/S
01/03/2001	569	PROSECUTOR CARLA DEL PONTE ISSUES DUBROVNIK INDICTMENT	E		B/C/S

For the latest list of all court filings, please visit the [ICTY Court Records](#)

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