



21 February 2002

ICTY WEEKLY UPDATE – 208

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

On 18 February 2002, the Trial Chamber reconvened to hear the ninth week of the Prosecution's case. The Defence resumed the cross-examination of Medina Omerović. The Prosecution then called witness Fuad Džihović who lived in Sarajevo in 1992 and gave testimony regarding sniping incident 21 of the Indictment. After cross-examination and questioning by the Judges, the Prosecution called witness Ekrem Pita who lived in Stari Grad municipality in 1992. Ekrem Pita testified about sniping in the neighbourhood of Širokača that began in the latter half of 1992 and the measures residents of the neighbourhood took to avoid sniper fire.

On 19 February, the Prosecution resumed its examination of Ekrem Pita. Later, Ekrem Pita was cross-examined and the Prosecution then called protected witness E. The Defence cross-examined witness E in the latter part of the day.

On 20 February, the Defence resumed cross-examination of witness E. The Prosecution then called witness Mejra Jusović who lived in the Sedrenik area of Sarajevo in 1992 and 1993. She told the court how she was hit by sniper fire in 1993 when she was outside gathering wood. The Prosecution then called witness Nazija Oćuz who testified about the Sedrenik area of Sarajevo being targeted by snipers during the latter part of 1992 and 1993.

On 21 February, the cross-examination of Mejra Jusović resumed. The Prosecution then called witness Bogdan Vidović.

Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case (“Bosanski Šamac”)

Trial Chamber II Section B – Judges Mumba (Presiding), Singh and Williams

On 18 February 2002, the cross-examination of witness Esad Dagović resumed. The Prosecution then re-examined the witness.

On 19 and 20 February, hearings took place in closed session.

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

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

On 18 February 2002, the Trial Chamber re-convened for the conclusion of the accused's opening statement. The Prosecution then called the first witness, Mahmut Bakalli.

On 19 February, the accused cross-examined Mahmut Bakalli after which he was re-examined by the Prosecution. The Trial Chamber discussed evidentiary matters with the Prosecution and the *amici curiae*.

On 20 February, the Prosecution called Stephen Spargo, an intelligence analyst with the Office of the Prosecutor. The witness produced computerized maps of Kosovo that were adduced as evidence in this case. In the afternoon, the Prosecution called witness Agim Zeqiri, a farmer from the Kosovo village of Celinë. The witness was then cross-examined by the accused.

On 21 February, the Judges briefly questioned witness Agim Zeqiri after which he was excused. The Prosecution then called witness Fehim Elshani, a farmer from the Kosovo village of Nagafc. After the examination by the Prosecution, the accused cross-examined the witness.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

Trial Chamber II Section A - Judges Agius (Presiding), Janů and Taya

On 18 February 2002, the Trial Chamber reconvened to hear the fifth week of the Prosecution's case. The Prosecution called witness Mazhar Inayat, an investigation team leader with the Office of the Prosecutor, who told the court about documents seized by the Office of the Prosecutor in Bosnia and adduced as evidence in this case. The Prosecution then called witness Zijahudin Smailagić, a former member of the main committee of the Party for Democratic Action ("SDA") for Banja Luka.

On 19 February, the examination of Zijahudin Smailagić by the Prosecution resumed and the Defence began its cross-examination of the witness.

On 20 and 21 February, the cross-examination of Zijahudin Smailagić by the Defence resumed.

Milomir STAKIĆ Case ("Prijeđor")

Pre-Trial Judge Schomburg

On 18 February 2002, 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 progress of the pre-trial preparation was discussed. A provisional date for the commencement of the trial was set for **16 April 2002**. A pre-trial conference will be held on **10 April 2002**. A written provisional order followed the next day.

Zdravko MUCIĆ, Hazim DELIĆ and Esad LANDŽO ("Čelebići")

Pre-Appeal Judge Hunt

On 19 February 2002, the parties appeared before the Pre-appeal Judge for a Status Conference to discuss the progress of the pre-appeal preparations.

Dario KORDIĆ and Mario ČERKEZ Case ("Lašva Valley")

Pre-Appeal Judge – Judge Hunt

On 19 February 2002, the parties appeared before the Pre-appeal Judge for a Status Conference to discuss the progress of the pre-appeal preparations.

II. OVERVIEW OF COURT DOCUMENTS:

Biljana PLAVŠIĆ and Momčilo KRAJIŠNIK Case ("Bosnia and Herzegovina")

Appeals Chamber – Judges Gunawardana (Presiding), Shahabuddeen, Güney, Pocar and Meron

DECISION ON INTERLOCUTORY APPEAL BY MOMČILO KRAJIŠNIK

Co-accused, Momčilo Krajišnik filed an Appeal on 25 October 2001 in which he sought a declaratory order that the Trial Chamber erred in deciding to exclude him and his counsel from a hearing relating to his co-accused Biljana Plavšić. On 14 February 2002, the Appeals Chamber dismissed the appeal.

The Appeals Chamber found that the application for provisional release was a matter between Biljana Plavšić and the Prosecution and that Krajišnik did not suffer any prejudice since he had full access to the Tribunal's case-law on applications for provisional release.

Judge Shahabuddeen appended a Declaration to the Decision and Judge Pocar appended a Separate Opinion.

Dragan NIKOLIĆ Case ("Sušica Camp")

Pre-Trial Judge Agius

DECISION ON PROSECUTOR'S MOTION FOR LEAVE TO AMEND THE FIRST AMENDED INDICTMENT

On 15 February 2002, the Pre-trial Judge ordered as follows:

- (1) the Prosecution's Motion for Leave to Amend the First Amended Indictment is granted;
- (2) pursuant to Rule 50(B) of the Rules a further initial appearance be held on Monday **18 March at 15:00** to enable the accused to enter a plea on the new charges.

Dario KORDIĆ and Mario ČERKEZ Case ("Lašva Valley")

Pre-Appeal Judge – Judge Hunt

ORDER TO FILE AMENDED GROUNDS OF APPEAL

On 18 February 2002, the Pre-Appeal Judge ordered each of the Appellants to file a new document clearly setting out their respective grounds of appeal. In addition, each Appellant is to state concisely the manner in which the Trial Chamber is alleged to have committed an error in respect to these grounds. If the Appellants list grounds which were not sufficiently apparent in their Appellants' Briefs, the Prosecution may seek leave to file a further Response to the Appellants' Briefs to address those grounds in more detail.

On 20 February 2002, the Pre-Appeal Judge ordered that each Defence Counsel file the above mentioned document under the conditions laid out in the Order of 18 February no later than **10 March 2002**. Defence Counsel must inform the court no later than **10 April 2002** on when the Appellants will file their Rule 115 application should they decide to file one.

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

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

**DECISION ON PROSECUTION MOTION FOR PROVISIONAL PROTECTIVE MEASURES
PURSUANT TO RULE 69**

On 4 January 2002, the Prosecution moved for provisional protective measures, including permission to redact identifying information from witness statements and documents to be disclosed. The Prosecution argued that it was necessary to safeguard the safety and privacy of victims and witnesses. On 19 February 2002, the Trial Chamber ordered that the Prosecution supply copies of all statements or documents in unredacted form by **5 March 2002**. In the event that the Prosecution file a motion for protective measures with respect to particular witness statements or documents by 5 March 2002, it will not need to supply unredacted copies of those statements or documents identified in that motion until such time as the Trial Chamber has disposed of the motion. The Trial Chamber further ordered the following:

The accused shall not disclose to the public:

- (1) the supporting material disclosed to the accused pursuant to Rule 66(A)(i) of the Rules, except to the limited extent that such disclosure to members of the public is directly and specifically necessary for the preparation and presentation of the accused's case;
- (2) the knowledge of the accused or his counsel or representatives with regard to the identities and whereabouts of the witnesses mentioned in the supporting material; or
- (3) any evidence or any written of a witness or potential witness, or the substance, in whole or in part, of any such non-public evidence, statement or prior testimony disclosed to the accused pursuant to Rule 66(A)(i) of the Rules.

Pavle STRUGAR and Miodrag JOKIĆ Case (“Dubrovnik”)

Trial Chamber I – Judges Liu (Presiding), El Mahdi and Orić

ORDER ON MIODRAG JOKIĆ'S MOTION FOR PROVISIONAL RELEASE

On 20 February 2002, the Trial Chamber granted the accused's Motion and ordered the provisional release of Miodrag Jokić. The Order sets out a number of terms and conditions to be complied with during his provisional release (see *Weekly Update* No. 205 and *Press Release* No. 661).

Rahim ADEMI Case (“Medak Pocket”)

Trial Chamber I – Judges Liu (Presiding), El Mahdi and Orić

ORDER ON MOTION FOR PROVISIONAL RELEASE

On 20 February 2002, the Trial Chamber granted the accused's Motion and ordered the provisional release of Rahim Ademi. The Order sets out a number of terms and conditions to be complied with during his provisional release (see *Weekly Update* No. 205 and *Press Release* No. 661).

COURTROOM SCHEDULE: 25 FEBRUARY – 1 MARCH*

MONDAY 25 FEBRUARY

Courtroom I 09:30 - 13:00, Milošević, Trial
14:30 - 16:00, Milošević, Trial
Courtroom II 09:30 - 13:00, Galić, Trial
14:30 - 16:00, Galić, Trial
Courtroom III 09:00 - 13:45, Brđanin/Talić, Trial
14:15 - 18:00, Simić *et al.*, Trial

TUESDAY 26 FEBRUARY

Courtroom I 09:30 - 13:00, Milošević, Trial

14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 18:00, **Simić et al.**, Trial

WEDNESDAY 27 FEBRUARY

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 18:00, **Simić et al.**, Trial

THURSDAY 28 FEBRUARY

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 18:00, **Simić et al.**, Trial

FRIDAY 1 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 18:00, **Simić 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/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 15 FEBRUARY

DATE	NUMBER	TITLE	E	F	B/C/S
18/02/2002	660	PROTECTIVE MEASURES FOR WITNESSES TESTIFYING AT THE ICTY	E		B/C/S
20/02/2002	661	PROVISIONAL RELEASE GRANTED TO RAHIM ADEMI AND MIODRAG JOKIĆ	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](#)