



24 May 2002

ICTY WEEKLY UPDATE – 221

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 21 May 2002, the start of the eleventh week of the Prosecution case, the accused resumed the cross-examination of witness Ratimir Tanić. The Trial Chamber did not admit the statements of the vice-president of the Nova Demokratija (“ND”) party and Ratko Marković that the accused wanted to adduce because it considered them totally unsubstantiated comments made after a witness had given evidence. The Prosecution then called witness Dr. Eric Baccard, the chief forensic pathologist for the Tribunal in Kosovo.

On 22 May, the Prosecution resumed the examination of expert witness Dr. Baccard. The accused and an *amicus curiae* then cross-examined the expert witness.

On 23 May, the Prosecution expressed its wish to recall expert witness Dr. Baccard. The Trial Chamber ruled that if the Prosecution wanted to recall this witness, it had to be in the form of an addendum to his statement. The Prosecution called Rule 92 *bis* witness Baton Haxhiu, a journalist who was one of the founding members of the Kosovo newspaper Koha Ditore. His statements dealt with, *inter alia*, the student demonstrations in 1998 and the education system in Kosovo. The Prosecution briefly introduced the witness’ testimony and the accused then cross-examined him. The Prosecution then re-examined the witness. Following that, the Prosecution introduced the statement of witness Adnan Merovci, the personal assistant to Ibrahim Rugova since 1992, who testified, *inter alia*, about his imprisonment and meetings that he had with Ibrahim Rugova, the Russian Ambassador and the accused. The witness was also a member of the Kosovo Albanian delegation at the Rambouillet negotiations in 1999. The accused subsequently began his cross-examination of the witness.

On 24 May, the accused resumed cross-examination. One of the *amici curiae* then cross-examined the witness and the Prosecution re-examined him.

Stanislav GALIĆ Case (“Sarajevo”)

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

On 21 May 2002, the Trial Chamber convened to hear the twentieth week of the Prosecution case. The Prosecution resumed the examination of witness Patrick Henneberry, an officer in the Canadian Army who was a United Nations Military Observer (“UNMO”) in Sarajevo in 1992 (see *Weekly Update* No. 220). The Defence then cross-examined the witness.

On 22 May, the Prosecution re-examined the witness. The Prosecution subsequently examined witness Edin Husović, a student in Sarajevo during the war, who testified about his wounding by a sniper in 1994.

On 23 May, the Defence cross-examined the witness. The Prosecution then called witness Zdenko Eterović, presently a Supreme Court judge of the Federation of Bosnia and Herzegovina, involved in an investigation of shelling incidents in Alipašino Polje and Dobrinja in Sarajevo in 1994.

On 24 May, the Prosecution examined Lt. Col. James Cutler, an officer in the New Zealand Army, who was posted in Sarajevo in 1992 and 1993 as senior UNMO.

Mladen NALETILIĆ and Vinko MARTINOVIĆ Case (“Tuta” and “Štela”)

Trial Chamber I Section A – Judges Liu (Presiding), Harding Clark and Diarra

On 21 May 2002, the Trial Chamber convened to hear the ninth week of the Defence case. The Defence examined witness Ivan Bender, a member of the Presidency of the self-proclaimed “Croatian Community of Herceg-Bosna” and so-called “Croatian Republic of Herceg-Bosna” in the early 1990’s.

On 22 May, the Defence resumed the examination of witness Ivan Bender. The Prosecution subsequently cross-examined the witness.

On 23 May, the Prosecution resumed the cross-examination of the witness.

Milomir STAKIĆ Case (“Prijeđor”)

Trial Chamber II - Judges Schomburg (Presiding), Fassi Fihri and Vassylenko

On 21 May 2002, the Trial Chamber convened to hear the seventh week of the Prosecution case. The hearing took place mainly in closed session.

On 22 May, the Trial Chamber ruled that two statements of the protected witness who had given evidence the day before would not be admitted. On that day, the Defence had requested the Trial Chamber to admit the statements. The Trial Chamber would give the Defence, if it so wished, a certificate in case of interlocutory appeal pursuant to Rule 73(C) of the Rules of Procedure and Evidence because it found that it was a question of principle. The Prosecution then examined protected witness P, a driver from the Kozarac area in Bosnia and Herzegovina, who testified about events that occurred in the Prijeđor region in 1992.

On 23 May, the Prosecution resumed the examination of witness P. The Defence then cross-examined the witness.

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

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

On 21 May 2002, the Prosecution resumed examination of witness Hajrija Drljačić from Bosanski Šamac (see *Weekly Update* No. 220). The Defence then cross-examined the witness and the Prosecution re-examined her.

On 22 May, the Prosecution examined witness Blaž Paradžik, a manager for a Croatian shipping company and a member of the Croatian Democratic Union (“HDZ”). In 1992, the witness was elected vice-president of the local commune in the town of Prud in Bosnia and Herzegovina. He testified about events which occurred after the commencement of the conflict in April 1992 in the Bosanski Šamac region. The Defence then cross-examined the witness.

On 23 May, the Defence resumed the cross-examination of the witness. Following the conclusion of the testimony of witness Blaž Paradžik, the hearing was adjourned to Monday **27 May 2002**.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

On 21 May 2002, the Trial Chamber convened to hear the fifteenth week of the Prosecution case. The Defence resumed the cross-examination of witness Adil Draganović, a judge from the municipal court of Sanski Most in Bosnia and Herzegovina (see *Weekly Update* No. 217).

On 22 May, the Defence resumed its cross-examination.

On 23 May, the Defence resumed its cross-examination again. Following the conclusion of the testimony of witness Adil Draganović the hearing was adjourned to Monday **27 May 2002**.

Milan MARTIĆ Case (“Zagreb Bombing”)

Trial Chamber I - Judge Liu

On 21 May 2002, following his transfer to the Tribunal on 15 May (see *Press Release* No. 675), Milan Martić appeared before Judge Liu for his initial appearance. He pleaded “not guilty” to all counts charged against him in the Indictment.

Dušan KNEŽEVIĆ Case (“Omarska Camp” and “Keraterm Camp”)

Trial Chamber III - Judge Robinson

On 24 May 2002, following his transfer to the Tribunal on 19 May (see *Press Release* No. 676), Dušan Knežević appeared before Judge Robinson for his initial appearance. He pleaded “not guilty” to all counts charged against him in the two Indictments.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

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

Bench of the Appeals Chamber - Judges Jorda (Presiding), Hunt and Pocar

REASONS FOR REFUSAL OF LEAVE TO APPEAL FROM DECISION TO IMPOSE TIME LIMIT

On 16 May 2002, the Bench of the Appeals Chamber gave its Reasons for refusing the Leave to Appeal the Trial Chamber Decision to impose a time limit on the Prosecution case (see *Weekly Update* No. 218). The Bench considered, *inter alia*, that certification by the Trial Chamber was necessary for leave to appeal the Trial Chamber Decision pursuant to Rule 73(C) of the Rules of Procedure and Evidence. The Prosecution had not applied for such a certificate.

Tihomir BLAŠKIĆ Case (“Lašva Valley”)

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

DECISION ON APPELLANTS DARIO KORDIĆ AND MARIO ČERKEZ’S REQUEST FOR ASSISTANCE OF THE APPEALS CHAMBER IN GAINING ACCESS TO APPELLATE BRIEFS AND NON-PUBLIC POST APPEAL PLEADINGS AND HEARING TRANSCRIPTS FILED IN *THE PROSECUTOR V. BLAŠKIĆ*

On 5 February 2002, the Appellants Dario Kordić and Mario Čerkez sought access to non-public post trial hearings’ transcripts, written submissions and appellate briefs filed in the Blaškić appeal pursuant to Rule 115 of the Rules of Procedure and Evidence. On 16 May 2002, the Appeals Chamber granted the request and ordered that the Prosecution and the Appellant Blaškić make submissions on whether any of the non-public material for which access was sought fell under Rule 70(C) of the Rules of Procedure and Evidence. The Prosecution should seek consent of the providers of the Rule 70(C) material for its disclosure to the Appellants Kordić and Čerkez. The Appeals Chamber further ordered that the Registry grant the Applicants access to non-public post-trial submissions and appellate briefs subject to protective measures mentioned in the Decision.

Momir NIKOLIĆ Case and Vidoje BLAGOJEVIĆ, Dragan OBRENOVIĆ and Dragan JOKIĆ Case (“Srebrenica”)

Trial Chamber II - Judges Schomburg (Presiding), Mumba and Agius

DECISION ON PROSECUTION’S MOTION FOR JOINDER

On 3 April 2002, the Prosecution filed a Motion for joinder of the two cases. On 17 May 2002, the Trial Chamber granted the Motion for Joinder and ordered that:

- (1) the accused Vidoje Blagojević, Dragan Obrenović and Dragan Jokić (Case No. IT-02-53) and Momir Nikolić (Case No. IT-02-56) be jointly charged and tried;
- (2) the Registry designate one unified case number to the joined case forthwith;
- (3) the Prosecution file immediately an Amended Joinder Indictment.

On 21 May 2002, the Registry assigned No. IT-02-60 to the joined case.

Zdravko MUCIĆ, Hazim DELIĆ and Esad LANDŽO Case (“Čelebići”)

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

SCHEDULING ORDER

On 22 May 2002, the Appeals Chamber ordered that the oral arguments in the present appeal case be heard on **18 June 2002 at 09:00**. (1) Each Appellant will have up to 30 minutes to make his oral submission, (2) the Prosecution will have up to 60 minutes in response to all of the Appellants’ submissions and (3) each Appellant will have up to 10 minutes to reply to the Prosecution’s response.

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

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

REASONS FOR DECISION ON ADMISSION OF “VARIANT A&B” DOCUMENT

At the commencement of the trial, the Defence objected to the admission into evidence of Variant A&B, a document entitled “Instructions for the Organisation and Activity of the Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances” dated 19 December 1991.

On 22 May 2002, the Trial Chamber confirmed that Variant A&B be admitted into evidence and that the Defence may call witnesses during the Defence case and make further submissions as to the weight to be attached to the document.

Mitar VASILJEVIĆ Case (“Višegrad”)

Trial Chamber II – Judges Hunt (Presiding), Mumba and Liu

DECISION ON PROSECUTION MOTION PURSUANT TO RULE 75(D) IN PROSECUTOR v. MILOŠEVIĆ (CASE NO. IT-02-54-T)

On 14 May 2002, the Prosecution filed a Request pursuant to Rule 75(D) for variation of protective measures. On 16 May 2002, the Trial Chamber granted the Request and ordered that:

- (1) the Vasiljević Order of the Trial Chamber be varied to the extent necessary to permit the Prosecution to disclose the statements, transcripts of trial testimony and exhibits relating to the witnesses to the accused, the *amici curiae* and the legal associates in the Milošević trial. The Order should otherwise remain in place.
- (2) the disclosure of the unredacted statements, transcripts of trial testimony and exhibits to the accused, the *amici curiae* and the legal associates be subject to the conditions of the Vasiljević Decision on Protective Measures.
- (3) in the event that any of the witnesses is called to give evidence in the Milošević case, they should be given a different pseudonym and no direct reference should be made in a public hearing to the fact that they gave evidence in the Vasiljević trial.

Radoslav BRĐANIN and Momir TALJIĆ Case (“Krajina”)

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

PUBLIC VERSION OF THE CONFIDENTIAL DECISION ON THE ALLEGED ILLEGALITY OF RULE 70 OF 6 MAY 2002

The Defence for Radoslav Brdanin filed a Motion requesting, *inter alia*, that the Prosecution disclose to the Trial Chamber *in camera* “the existence, nature and extent” of all material received pursuant to Rule 70 of the Rules of Procedure and Evidence. On 23 May, the Trial Chamber dismissed the Defence Motion considering, *inter alia*, that it retained control of proceedings and was able to exercise its role as final arbiter between the parties. The decision on whether relevant evidence should nevertheless not be permitted rested with the Trial Chamber and was part of its power to control its proceedings in such a way as to ensure that a trial was conducted fairly.

COURTROOM SCHEDULE: 27 MAY – 31 MAY*

MONDAY 27 MAY

Courtroom I 09:00 - 13:45, Milošević, Trial
14:15 - 19:00, Martinović/Naletilić, Trial
Courtroom II 09:00 - 13:45, Stakić, Trial
14:15 - 19:00, Galić, Trial
Courtroom III 09:00 - 13:45, Brđanin/Talić, Trial
14:15 - 19:00, Simić *et al.*, Trial

TUESDAY 28 MAY

Courtroom I 09:00 - 13:45, Milošević, Trial
14:15 - 19:00, Martinović/Naletilić, Trial
Courtroom II 09:00 - 13:45, Stakić, Trial
14:15 - 19:00, Galić, Trial
Courtroom III 09:00 - 13:45, Brđanin/Talić, Trial
14:15 - 19:00, Simić *et al.*, Trial

WEDNESDAY 29 MAY

Courtroom I 10:30 - 13:45, Milošević, Trial
14:15 - 19:00, Martinović/Naletilić, Trial
Courtroom II 09:00 - 13:45, Stakić, Trial

14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

THURSDAY 30 MAY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović/Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Stakić**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

FRIDAY 31 MAY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović/Naletilić**, Trial
Courtroom II 14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **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 MAY

DATE	NUMBER	TITLE	E	F	B/C/S
19 May 2002	676	DUŠAN KNEŽEVIĆ TRANSFERRED TO THE HAGUE	E		B/C/S

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