



12 July 2002

ICTY WEEKLY UPDATE – 228

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 8 July 2002, the Trial Chamber convened to hear the seventeenth week of the Prosecution case. The Prosecution examined Ambassador Knut Vollebæk, the former Minister of Foreign Affairs of Norway and former chairman of the Organisation for Security and Cooperation in Europe (“OSCE”) who was deputy co-chairman of the international conference on the former Yugoslavia in 1993. The accused and an *amicus curiae* then cross-examined the witness.

The Prosecution then resumed the examination of witness Shukri Aliu who began his testimony on Friday 5 July 2002. The witness was a member of the Civilian Protection Unit in Priština.

On 9 July, the accused resumed cross-examination of witness Shukri Aliu.

The Prosecution then examined protected witness K25, a Serbian police officer with the PJP, a special police unit. The accused then cross-examined the witness.

On 10 July, the accused resumed his cross-examination. The Prosecution then introduced the statement of Rule 92 *bis* witness Shyhrete Berisha who testified about the attack on the town Suva Reka in Kosovo in 1999. She also told the Court about the killing of her husband and four children. The accused and the Judges briefly questioned the witness.

The Prosecution then examined witness Colonel John Crosland, the Defence Attaché with the British Army who was accredited to liaise with the Yugoslav Army (“VJ”) from 1996 until 1999. The witness became the liaison with KFOR later in 1999. The accused then cross-examined the witness.

On 11 and 12 July there were no hearings due to the Plenary Session of the Judges.

STAKIĆ Case (“Prijeđor”)

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

On 8 July 2002, the Trial Chamber convened to hear the fourteenth week of the Prosecution case. The Prosecution examined protected witness V who testified about the attacks on villages in the Prijeđor area in 1992.

On 9 July 2002, evidentiary matters were discussed. On 10 July, no hearing was scheduled.

On 11 and 12 July there were no hearings due to the Plenary Session of the Judges.

Corrigendum:

Weekly Update No. 227 erroneously indicated that a witness testified via video link. The Prosecution presented to the Court a previously video taped interview of the accused.

SIMIĆ *et al.* Case (“Bosanski Šamac”)

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

On 8 July 2002, the Prosecution examined a protected witness who testified about the exchange of residents from Bosanski Šamac.

On 9 July, due to illness of the witness the court adjourned for the day.

On 10 July, the Prosecution examined witness Ewa Tabeau, an expert on demography with the Office of the Prosecutor.

On 11 and 12 July there were no hearings due to the Plenary Session of the Judges.

GALIĆ Case (“Sarajevo”)

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

On 8 July 2002, the Trial Chamber convened to hear the twenty-sixth week of the Prosecution case. The Prosecution examined General Adrianus van Baal of the Dutch Army who was a member of the United Nations Protection Force in Sarajevo in 1993. The witness was then cross-examined by the Defence.

On 9 July, the Prosecution examined witness Lieutenant Colonel Dr. Vilmos Kovacs, an artillery expert. The Defence then cross-examined the witness.

On 10 July, the Defence resumed its cross-examination. The Prosecution then examined witness Richard Philipps, a military analyst with the Office of the Prosecutor.

On 11 and 12 July there were no hearings due to the Plenary Session of the Judges.

BRĐANIN and TALIĆ Case (“Krajina”)

Trial Chamber II Section A – Judges Agius (Presiding), Janić and Taya

On 8 July 2002, the Trial Chamber convened to hear the twenty-first week of the Prosecution case. The Prosecution examined witness Sakib Muhić who testified about his detention in Sanski Most and Manjača Camp in 1999. The Defence then cross-examined the witness.

On 9 July, the hearing took place mainly in closed session.

On 10 July 2002, the Trial Chamber convened for a hearing on Rule 77 of the Rules of Procedure and Evidence relating to the allegations of contempt of the Tribunal by the co-counsel of accused Radoslav Brđanin.

On 11 and 12 July there were no hearings due to the Plenary Session of the Judges.

GRUBAN Case (“Omarska Camp”)

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

On 9 July 2002, a hearing was held on the Defence Request for Provisional Release. The Minister of Justice of the Federal Republic of Yugoslavia took part in the hearing.

KRAJIŠNIK and PLAVŠIĆ Case (“Bosnia and Herzegovina”)

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

On 10 July 2002, the Trial Chamber convened to hear parties on Momčilo Krajišnik’s Renewed Motion for Provisional Release. A representative of the Government of the Republika Srpska took part in the hearing.

DERONJIĆ Case

Judge Liu

On 10 July 2002, following his transfer to the Tribunal on 8 July 2002, Miroslav Deronjić appeared before Judge Liu for an initial appearance (see *Press Release* No. 685). He pleaded “not guilty” to all counts charged against him in the Indictment.

STANKOVIĆ Case

Judge Schomburg

On 12 July 2002, following his transfer to the Tribunal on 10 July 2002, Radovan Stanković appeared before Judge Schomburg for an initial appearance (see *Press Release* No. 687). Since the accused refused

to enter a plea, the Judge entered a plea of “not guilty” on his behalf as set out in Rule 62(iv) of the Rules of Procedure and Evidence.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

STAKIĆ Case (“Prijeđor”)

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

ORDER TO THE REGISTRY OF THE TRIBUNAL TO PROVIDE DOCUMENTS

On 5 July 2002, the Trial Chamber ordered the Registry to provide, under very strict conditions, documents bearing the signature of the accused. This is in order to allow an independent forensic handwriting examination as ordered by the Chamber on 28 June following a dispute between the parties as to the authenticity of the accused’s signature on documents tendered as exhibits by the Prosecution.

DECISION ON DEFENCE MOTION TO EXCLUDE EVIDENCE

On 3 July 2002, the Defence for Milomir Stakić confidentially filed a Motion seeking an order from the Trial Chamber to exclude the testimony of Prosecution witness Mevludin Sejmenović (see *Weekly Update* No. 227) on the grounds that Defence had been prejudiced by the failure of the Prosecution to identify Mr. Sejmenović as an expert witness and disclose his expert report in a timely fashion. On 10 July, the Trial Chamber found that there was no ground for excluding testimony in this case to date and denied the Motion. It considered, *inter alia*, that Mr. Sejmenović’s testimony could not be considered that of an “expert witness” within the meaning of Rule 94 *bis* of the Rules of Procedure and Evidence.

BLAGOJEVIĆ *et al.* Case (“Prijeđor”)

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

DECISION ON JOKIĆ’S MOTION REQUESTING A SEPARATE TRIAL

On 21 June 2002, Dragan Jokić filed a Motion for a Separate Trial. As well as Objections to Joinder and Amendment of Indictments.

On 5 July 2002, the Trial Chamber denied the Motion and the Objections considering that the arguments against joinder had already been considered by the Trial Chamber in its Decision of 16 January 2002. It further considered that counsel failed to submit arguments on the occasion of Momir Nikolic’s joinder to the case before the Trial Chamber’s Decision on the matter on 17 May 2002.

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

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

DECISION ON THE PROSECUTION’S MOTION TO ADMIT A WITNESS STATEMENT

On 25 June 2002, the Prosecution confidentially filed a Motion to Admit the Witness Statement of K21 who had declined to testify. On 8 July 2002, the Trial Chamber denied the Motion considering, *inter alia*, that the witness statement contained evidence which should have been given *viva voce* in order to allow the accused the opportunity to cross-examine witness K21. Moreover, the admission of the statement, as noted by the *amici curiae* in its Skeleton Argument of 7 June 2002 would have been tantamount to introducing evidence through a “backdoor” route”.

COURTROOM SCHEDULE: 15 JULY – 19 JULY*

MONDAY 15 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 14:45, **Vasiljević**, Status Conference
15:30 - 19:00, **Martinović and Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin and Talić**, Trial
14:15 - 19:00, **Simić *et al.***, Trial (Video Link)

TUESDAY 16 JULY

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

WEDNESDAY 17 JULY

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

THURSDAY 18 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Martinović and Naletilić**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin and Talić**, Trial
14:15 - 15:15, **Hadzihasanović et al.**, Status Conference
15:45 - 19:00, **Simić et al.**, Trial (Video Link)

FRIDAY 19 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 15:45, **Obrenović et al.**, Status Conference and Provisional Release Hearing
16:15 - 17:15, **Mrkšić**, Provisional Release Hearing
17:45 - 19:00, **Mrđa**, Status Conference
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Martinović and Naletilić**, 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 27 JUNE

| DATE | NUMBER | TITLE | E | F | B/C/S |
|-------------|--------|------------------------------------------------------------------------------------------------------------------|---|---|-------|
| 8 July 2002 | 685 | TRANSFER OF MIROSLAV DERONJIĆ | E | | |
| 8 July 2002 | 686 | LEGAL AID TO ACCUSED ZORAN ŽIGIĆ WITHDRAWN FOLLOWING THE COMPLETION OF A FINANCIAL INVESTIGATION BY THE REGISTRY | E | | |
| 8 July 2002 | 687 | TRANSFER OF RADOVAN STANKOVIĆ | E | | |

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