



11 October 2002

ICTY WEEKLY UPDATE – 238

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)

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

Fourth week of the Prosecution case.

From 7 October to 10 October 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *amici curiae*:

- Witness Đuro Matovina
- Witness Nikola Samardžić
- Witness Dejan Anastasijević

On 10 October, the Trial Chamber rendered its Decision on the issue of *amicus curiae* Wladimiroff. The Trial Chamber instructed the Registrar to revoke his appointment as *amicus curiae*. The written Decision was filed on the same day (see *Press Release* No. 702).

BRĐANIN Case (“Krajina”)

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

18th week of the Prosecution case.

From 7 October to 10 October 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected witness BT77
- Witness Samir Dedić
- Witness Ramiz Subašić
- Witness Asim Egrlić

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

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

First week of the Prosecution’s Rebuttal case.

From 7 October to 10 October 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected witness AF
- Witness Apolonia Bos
- Witness Safet Idrizović

GALIĆ Case (“Sarajevo”)

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

First week of the Defence case.

On 7 October 2002, the Defence gave its opening statements. From 8 October to 10 October 2002, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

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

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- Protected witness DP1
- Protected witness DP3

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

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

On 9 October 2002, the Trial Chamber convened to render its oral Decision on the Rule 98 *bis* Motions filed by the Accused.

The Trial Chamber entered a Judgement of acquittal in respect of the aspect of destruction of property of Bosnian Croats, Bosnian Muslims, and the other non-Serb civilians, including dwellings, businesses, personal property, and livestock, as contained in paragraphs 13(f), 14(e), and 15(f) of the Indictment, and on the whole offence of destruction or wilful damage of institutions dedicated to religion as contained in paragraphs 13(g), 14(f) and 15(g) of the Indictment. The rest of the Motions for acquittal were dismissed.

KORDIĆ and ČERKEZ Case (“Lašva Valley”)

Pre-Appeal Judge Hunt

On 11 October 2002, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Pre-appeal preparations were discussed.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

BLAGOJEVIĆ *et al.* Case

Appeals Chamber - Judge Shahabuddeen (Presiding), Hunt, Güney, Pocar and Meron

DECISION ON PROVISIONAL RELEASE OF VIDOJE BLAGOJEVIĆ AND DRAGAN OBRENOVIĆ

On 3 October 2002, the Appeals Chamber returned the matter of provisional release to the Trial Chamber for reconsideration. The Trial Chamber was directed to take into account the guarantees of the Republika Srpska when determining whether the accused would appear for trial if provisionally released. Dragan Obrenović and Vidoje Blagojević filed appeals against the Trial Chamber Decisions of 22 July 2002 on 30 August and 2 September 2002 respectively (see *Press Release* No. 699).

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

IN RE: THE REPUBLIC OF MACEDONIA Case

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

DECISION ON THE PROSECUTION’S REQUEST FOR DEFERRAL AND MOTION FOR ORDER TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

On 4 October 2002, the Trial Chamber granted the Prosecution’s Request in part and decided, *inter alia*, the following:

The Government of Macedonia is formally requested to order its national courts to defer to the competence of the Tribunal all investigations and prosecutions with regard to the “NLA Leadership” case, the “Mavrovo Road Worker” case, the “Lipkovo Water Reserve” case and the “Ljuboten” and “Neprošteno” investigations.

The Prosecution filed its Request for Deferral and Motion for Order to the Former Yugoslav Republic of Macedonia on 5 September 2002 (see *Press Release* No. 700).

MRKŠIĆ Case (“Vukovar Hospital”)

Appeals Chamber - Judge Shahabuddeen (Presiding), Hunt, Güney, Pocar and Meron

DECISION ON APPEAL AGAINST REFUSAL TO GRANT PROVISIONAL RELEASE

On 8 October 2002, the Appeals Chamber dismissed Mile Mrkšić’s Appeal against Trial Chamber II’s Decision of 24 July 2002 that denied his provisional release.

Dragan NIKOLIĆ Case (“Sušica Camp”)

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

DECISION ON DEFENCE MOTION CHALLENGING THE EXERCISE OF JURISDICTION BY THE TRIBUNAL

On 9 October 2002, the Trial Chamber rejected Dragan Nikolić’s Motion challenging the legality of his arrest. Dragan Nikolić filed his Motion on 17 May 2002 (see *Press Release* No. 701).

STAKIĆ Case (“Priedor”)

Appeals Chamber - Judge Gunawardana (Presiding), Shahabuddeen, Güney, Pocar and Meron

DECISION

On 10 October 2002, the Appeals Chamber dismissed Milomir Stakić’s Appeal, filed on 8 August 2002, against the Decision on the Defence Request to Exclude Evidence as Inadmissible of 31 July 2002.

MARTIĆ Case (“Zagreb Bombing”)

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

DECISION ON THE MOTION FOR PROVISIONAL RELEASE

On 10 October 2002, the Trial Chamber dismissed Milan Martić’s Motion for Provisional Release which he filed on 9 July 2002.

COURTROOM SCHEDULE: 14 OCTOBER TO 18 OCTOBER 2002

MONDAY 14 OCTOBER

Courtroom I 09:00 - 13:45, **Brđanin**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rejoinder
14:30 - 16:00, **Martinović and Naletilić**, Rejoinder

TUESDAY 15 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Brđanin**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rejoinder
14:30 - 16:00, **Martinović and Naletilić**, Rejoinder

WEDNESDAY 16 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Brđanin**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
15:00, **Ojdanić and Šainović**, Status Conference
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rejoinder
14:30 - 16:00, **Martinović and Naletilić**, Rejoinder

THURSDAY 17 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Brđanin**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Stakić**, Oral Arguments Rule 98bis
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rejoinder
14:30 - 16:00, **Martinović and Naletilić**, Rejoinder
16:30 - 17:30, **Milan Simić**, Sentencing Judgement

FRIDAY 18 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Brđanin**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rejoinder
14:30 - 16:00, **Martinović and Naletilić**, Rejoinder

*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 20 SEPTEMBER

DATE	NUMBER	TITLE	E	F	B/C/S
4 October 2002	699	INDICTMENT AGAINST ZORAN MARINIĆ WITHDRAWN	E		B/C/S
7 October 2002	699	CHAMBERS HAVE ISSUED DECISIONS ON: THE ACQUITTAL MOTION OF STANISLAV GALIĆ, THE PROVISIONAL RELEASE APPEAL OF VIDOJE BLAGOJEVIĆ AND DRAGAN OBRENOVIĆ	E		B/C/S
7 October 2002	700	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA REQUESTED TO DEFER FIVE CASES TO THE COMPETENCE OF THE INTERNATIONAL TRIBUNAL	E		B/C/S
9 October 2002	701	DRAGAN NIKOLIĆ'S MOTION FOR UNLAWFUL ARREST DENIED	E		B/C/S
11 October 2002	702	TRIAL CHAMBER III ORDERS THE REGISTRAR OF THE ICTY TO REVOKE APPOINTMENT OF <i>AMICUS CURIAE</i>	E		B/C/S

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