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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

ICTY WEEKLY UPDATE-64

5 February 1999

LAST MINUTE NEWS

KUPRESKIC & OTHERS CASE:

DEFENCE DENIED LEAVE TO APPEAL

On 4 February 1999, a bench of Judges of the Appeals Chamber, consisting of Judge Vohrah (Presiding), Judge Wang and Judge Nieto-Navia, decided unanimously to “*refuse to grant [the Defense] the application for leave to appeal*” against an oral decision of the Trial Chamber on 15 January. In this Decision, the Trial Chamber ruled not to allow the re-examination of a witness by Defence Counsel for accused persons not calling the witness.

The Appeals Chamber Bench found that “*the decision not to allow the re-examination of a witness by Defence Counsel for accused persons not calling the witness cannot cause such prejudice to the case of the Appellants as could not be cured by the final disposal of the trial including post-judgement appeal*”. Moreover, the Bench found that “*the issue in the proposed appeal is not of general importance to the proceedings before the Tribunal or in international law generally*”.

KORDIC AND CERKEZ CASE:

PROSECUTOR SEEKS LEAVE TO APPEAL

On 4 February 1999, the Prosecutor filed an application for leave to appeal against the Trial Chamber’s Decision of 22 January to grant in part and to reject in part a Prosecutor’s application for a Binding Order for the production of documents against the State of Croatia.

ALEKSOVSKI CASE:

TRIAL CHAMBER TO CONSIDER PROBATIVE VALUE OF PROSECUTION REBUTTAL EVIDENCE IN BLASKIC CASE

By majority Decision of 4 February 1999, the Appeals Chamber (Judges May (Presiding), Wang, Hunt and Bennouna; Judge Robinson dissenting), partially refused and partially allowed a Prosecution’s interlocutory appeal on matters of evidence (see Update 60).

Accordingly, Trial Chamber I was instructed to consider whether Prosecution evidence from the Blaskic case has probative value and whether it should thus be admitted in rebuttal in the Aleksovski case, all subject to appropriate protective measures.

FURUNDZIJA CASE:

DEFENCE POST-TRIAL APPLICATION TO THE BUREAU

On 3 February 1999, Defence Counsel for Anto Furundzija filed to the Bureau of the Tribunal a post-trial application for “*the disqualification of Presiding Judge Mumba*”, alleging she had a personal interest in the case and that her impartiality had possibly been affected. Furthermore, the Defence submitted a “*Motion to Vacate Conviction and Sentence*” and a “*Motion for a New Trial*”.

These Application and Motions “*are separate from and independent of Mr. Furundzija’s appeal from the underlying matter*”.

The Defendant also asks the Bureau (which pursuant to Rule 23 is composed of the President, the Vice-President and the presiding Judges of the Trial Chambers) “*to exclude all members of the Trial Chamber in this case (Judge Mumba, Judge May and Judge Cassese) from participating in the Bureau’s deliberation and decisions on the Post-Trial Application and Motions*”.

RADIC & OTHERS (Omarska/Keraterm) CASE:

PROVISIONAL RELEASE OF MILOJICA KOS DENIED

On 29 January 1999, Trial Chamber III denied the motion for provisional release filed in October 1998 by Milojica Kos. The Decision states that the accused “*has failed to establish that exceptional circumstances exist to justify release in this case*”.

CELEBICI CASE:

COUNSEL FOR LANDZO REQUEST ADDITIONAL TIME FOR FILING APPELLATE BRIEF

On 28 January 1999, Esad Landzo’s Counsel filed a request for extending the time limit to file his appellate brief until 1 May 1999. Requests for additional time by defendants Mucic and Delic have previously been filed and are under consideration by the Appeals Chamber.

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

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COURTROOM SCHEDULE: MONDAY 8 FEBRUARY TO FRIDAY 12 FEBRUARY 1999*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom III	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Unit.
Unless otherwise indicated, the session is open.

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