



9 JULY 1999

ICTY WEEKLY UPDATE – 85

PROCEDURAL DEVELOPMENTS: 5 JULY – 9 JULY

I. OVERVIEW OF COURT PROCEEDINGS

BLAŠKIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Shahabuddeen and Rodrigues

This week, the Trial Chamber began to hear the Prosecution evidence in rebuttal and Defence evidence in rejoinder.

On Monday, the Prosecution submitted further exhibits to the Trial Chamber, and the following day, Henk Morsink, a member of the Dutch military, testified on behalf of the Prosecution.

The court reconvened on Thursday to hear the Defence rejoinder evidence. The session was closed to the public as confidential documents and issues regarding protected witnesses were discussed.

The Trial Chamber subsequently adjourned until 26 July when it will begin to hear the final arguments in this case.

KUPREŠKIĆ & OTHERS CASE

Trial Chamber II – Judges Cassese (Presiding), May and Mumba

This week the Trial Chamber began to hear witnesses called by Vladimir Šantić.

The hearing started in closed session on Monday with the testimony of one character witness called by Drago Josipović, after which the Trial Chamber proceeded to hear the evidence of Defence witnesses on behalf of Šantić.

Counsel for Šantić called two witnesses on Monday. One witness had been granted protective measures and thus his testimony was given in closed session. However, Mr. Marinko Katava testified in open session regarding events in Bosnia, his cross-examination by the Prosecution continued on Tuesday.

After the cross-examination of Mr. Katava, the Trial Chamber heard the evidence of Ms. Johanna Hume regarding events in the Ahmici massacre, particularly the involvement of Stipo Alilović.

On Wednesday, Mr. Andjelko Vidović gave evidence about patrolling the village of Pirici and people he observed in the village of Kuber, and on Thursday the Trial Chamber heard the testimony of two alibi witnesses, namely, Mr. Davor Biletić and Mr. Ivica Franjić. The cross-examination of Ivica Franjić by the Prosecution was completed on Friday morning.

The week's proceedings concluded on Friday with the testimony of three witnesses called by Vladimir Šantić: two character witnesses (Mr. Zeljko Kocaj and Mr. Marko Brković) and Mr. Wout Groenwald, who gave evidence regarding the whereabouts of Stipo Alilović on 16 April 1993.

Throughout the week the sessions were mainly open to the public, although parts were intermittently closed to discuss the testimony of protected witnesses.

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KORDIĆ & ČERKEZ CASE

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

This week the Trial Chamber continued to hear the evidence of witnesses called by the Prosecution.

The court reconvened on Tuesday with the examination-in-chief of Ms. Nusreta Mahmutović who testified in open court regarding the animosity between the Muslims and Croats in Vitez and the killing of her husband by the HVO during the 16 April 1993 attack.

After the Defence completed its cross-examination of Ms. Nusreta Mahmutović on Wednesday, the court heard the examination-in-chief and partial cross-examination of Mr. Enes Surković in open session.

Mr. Surković gave evidence concerning the 16 April attack, his arrest by the HVO and subsequent detention in the Vitez Cinema Complex and Kaonik Prison. The cross-examination was completed on Thursday.

The Trial Chamber concluded the week's hearings with the testimony of a former neighbour of Dario Kordić in Busovaca and former detainee in Kaonik Prison, regarding Kordić's influence and position. Although the session was open to the public, protective measures had been granted in the form of a pseudonym and facial distortion. The Prosecution will continue its examination-in-chief when it reconvenes on Monday.

II. OVERVIEW OF COURT DOCUMENTS

DELALIĆ & OTHERS CASE

APPEAL/CROSS-APPEAL BRIEFS FILED

On 2 July 1999, pursuant to an Order of the Appeals Chamber (Judges Nieto-Navia (Presiding), Wang, Rodrigues, Hunt and Bennouna) dated 12 February 1999, Zejnil Delalić, Zdravko Mucić, Hazim Delić and Esad Landžo, filed their respective Appellant/Cross-Appellant Briefs. The Prosecution filed its Appeal Brief on the same date.

SIMIĆ & OTHERS CASE

ASSIGNMENT OF JUDGES FOR TODORVIĆ INTERLOCUTORY APPEAL

Further to the Decision issued by a Bench of the Appeals Chamber (Judges Kirk McDonald (Presiding), Shahabuddeen and Cassese) granting accused Stevan Todorović leave to appeal the Decision of the Trial Chamber denying the Defence Motion for an evidentiary hearing dated 1 July 1999 (see Update No. 84).

On 2 July 1999, the President of the Tribunal assigned Judges Kirk McDonald (Presiding), Shahabuddeen, Cassese, Wang and Nieto-Navia to the Appeals Chamber for determination of this Appeal.

KORDIĆ & ČERKEZ CASE

BENCH OF THE APPEALS CHAMBER ASSIGNED

Further to Dario Kordić's "precautionary" Application for Leave to pursue an Interlocutory Appeal of the Trial Chamber's Scheduling Order of 18 June 1999, and Mario Čerkez's Notice of Joinder, both dated 25 June 1999.

On 5 July 1999, Judge Gabrielle Kirk McDonald, the President of the Tribunal, assigned three Judges to a Bench of the Appeals Chamber for the purpose of deciding on the application for Leave to Appeal, namely, Judges Vohrah, Wang and Nieto-Navia.

The precautionary application alleges that, in ordering the Defence to state its position on issues

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raised by the Prosecutor's "Dossier" of proposed evidence and to give grounds for those positions, the Scheduling Order may be construed in such a way as to require the Defence to go beyond the accused's plea of not guilty and would, thus, effectively shift the burden of proof on to the accused.

SIKIRICA & OTHERS CASE

PROSECUTION REQUEST FOR LEAVE TO AMEND INDICTMENT REJECTED

On 6 July 1999, Judge Vohrah rejected the Prosecutor's Request for Leave to amend the "Sikirica & others" indictment and the "Kvočka & others" indictment, filed on 17 June 1999, finding that a confirming Judge is not competent to consider such a request.

The purpose of the Request was to withdraw Dragan Kolundžija from the "Sikirica & others" indictment and join him as an accused to the indictment in the pending "Kvočka & others" trial.

KRSTIĆ CASE

DEFENCE FILES PRELIMINARY MOTION ON THE FORM OF THE INDICTMENT

On 6 July 1999, Counsel for Krstić filed a preliminary Motion on the form of the indictment filed by the Prosecution pursuant to the Trial Chamber's Decision on the form of the indictment, dated 6 May 1999 (see Update No. 81). The indictment is alleged by the Defence to be "vague, undefined, contradictory".

TADIĆ CASE

ORDER ISSUED IN CONTEMPT PROCEEDINGS BROUGHT AGAINST MR. VUJIN

Further to an oral application made by the Appellant, Duško Tadić, for extracts from his diary to be read into the evidence in the contempt proceedings brought against Mr. Vujin, and a subsequent proposal that transcripts of the proceedings in this matter be served on Counsel for Tadić in the related appeals proceedings.

On 7 July 1999, the Appeals Chamber (Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba) ordered that: (1) Mr. Vujin, the Prosecution and the Appellant may, by 21 July 1999, file written submissions as to the use to be made of the diary extracts; and (2) the Orders for protective measures issued for certain witnesses shall be varied so as to permit disclosure of the transcript of those testimonies to Counsel for the Appellant in the related appeal proceedings.

COURTROOM SCHEDULE: 12 – 16 JULY

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	No proceedings	No proceedings	No proceedings	9.00, AC Tadic Appeal Judgement	No proceedings
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
Courtroom II	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	14.30-17.15 TC III Kordic/Cerkez Trial	14.30, TC III Kolundzija int. app. followed by Kordic/Cerkez Trial	14.30-17.15 TC III Kordic/Cerkez Trial	14.30-17.15 TC III Kordic/Cerkez Trial	No proceedings
Courtroom III	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial	9.00-13.30 TC II Kupreskic et al Trial
	17.00, TC II Brdanin Initial appearance	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 Services. Unless otherwise indicated, all sessions are open.

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PRESS RELEASES ISSUED SINCE 2 JULY

DATE	NUMBER	TITLE
06/07/99	414	JUSTICE LOUISE ARBOUR WELCOMES THE DETENTION BY SFOR OF RADISLAV BRDJANIN
07/07/99	415	APPOINTMENT OF JUDGE PATRICIA M. WALD TO SUCCEED JUDGE GABRIELLE KIRK MCDONALD IN NOVEMBER 1999
07/07/99	416	TADIC CASE: THE APPEALS CHAMBER WILL DELIVER ITS JUDGEMENT ON THURSDAY 15 JULY 1999
08/07/99	417	INITIAL APPEARANCE OF RADISLAV BRDJANIN ON MONDAY 12 JULY 1999 AT 5 P.M.
09/07/99	418	KOSOVO: TWO MORE STATES SIGN AGREEMENTS WITH THE UNITED NATIONS TO PROVIDE EXPERTS TO ASSIST WITH THE INVESTIGATIONS CONDUCTED BY THE OFFICE OF THE PROSECUTOR

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](#)

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