



23 JULY 1999

## ICTY WEEKLY UPDATE – 87

### LAST MINUTE NEWS

#### AMENDMENTS TO THE RULES AND OTHER OFFICIAL DOCUMENTS

During the Twentieth Plenary Session (30 June to 2 July 1999) amendments were made to the Tribunal's Rules of Procedure and Evidence and two new Rules were adopted. The full texts of the amended Rules are set out in the Annex to Document IT/149.

Amendments were also made to the Directive on Assignment of Defence Counsel (the specific amendments are detailed in Document IT/150, the revised Directive on Assignment of Defence Counsel is set out in Document IT/73/Rev.7), and The United Nations Detention Unit Regulations to Govern the Supervision of Visits to and Communications with Detainees (IT/98/Rev.3).

All amendments entered into force on 22 July 1999.

*Hard copies of Documents IT/149, IT/150 and IT/73/Rev.7 (in both French and English) and IT/98/Rev.3 (currently only available in English) may be obtained, upon request, from the Public Information Services. Document IT/149 (in French and English) is available on the ICTY's Internet Homepage, the other documents will be available on the Homepage in due course.*

### PROCEDURAL DEVELOPMENTS: 19 - 22 JULY

#### I. OVERVIEW OF COURT PROCEEDINGS

##### ***KUPREŠKIĆ & OTHERS CASE***

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

The Trial Chamber commenced the week's proceedings, with the Prosecution cross-examination of Zoran Kupreškić. His examination-in-chief began last Wednesday.

In his testimony Zoran Kupreškić denied all allegations against him contained in the indictment and gave evidence as to his actions on 16 April 1993 when the attack on Ahmići took place. The cross-examination by the Prosecution and re-examination by the Defence was completed on Tuesday.

Also on Tuesday, and continuing on Wednesday, Mirjan Kupreškić gave evidence. The accused gave his version of events and discussed the good relationship between the communities.

On Thursday, the Trial Chamber heard the testimony of Vlatko Kupreškić. The accused denied the allegations against him, particularly stating that he was not in Ahmići on 16 April 1993, he was not a soldier and that he is in any event unable to use a weapon. The cross-examination concluded on Friday.

Throughout the week the sessions were intermittently private in order to discuss protected witnesses' testimony.

As scheduled, the Trial Chamber has now adjourned until after the August recess.

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

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**KORDIĆ & ČERKEZ CASE**

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

This week the Trial Chamber continued to hear Prosecution witnesses.

On Monday, the court heard the evidence of historian Dr. Robert Donia, called as an expert witness. Dr. Donia gave evidence regarding the historical background of the former Yugoslavia, including the history of ethnic hatred, the interaction between the ethnic groups and the wars, and asserted that the conflicts post-1990 were not caused by inter-ethnic hatred. Dr. Donia's testimony continued throughout Tuesday and was completed on Wednesday.

The week's proceedings were concluded with the testimony of sociologist Dr. John Allcock, also called as an expert witness by the Prosecution.

Dr. Allcock testified that the inter-ethnic conflict between the Croats and Muslims in Bosnia was not caused by deep-rooted mutual hatred, but was instead the result of a breakdown in the political and economic foundations of the former Yugoslavia. The Defence requested more time to read the witness statement, and as a result the cross-examination of Dr. Allcock will take place at a later date.

II. OVERVIEW OF COURT DOCUMENTS

**DELALIĆ & OTHERS CASE**

**SCHEDULING ORDER ISSUED**

Noting the Appeals Chamber's Order of 26 March 1999 reserving the Decision on Delalić's Motion to sever his appeal from that of the other Čelebići Defendants until the Appeals Chamber had received the appellant briefs (see Update No. 72), and considering that Mucić's appeal brief, filed on 2 July 1999, fails adequately to set out his grounds of appeal.

On 19 July 1999, the Appeals Chamber (Judges Hunt (Presiding), Riad, Wang, Nieto-Navia and Bennouna) ordered that Delalić and the Prosecution shall file submissions on the Motion to sever the appeals by 28 July 1999, and Mucić shall file his grounds of appeal by 26 July 1999.

**ORDER ON MOTIONS TO EXTEND TIME FOR RESPONDENT'S BRIEFS**

Further to Motions by Mucić and Delalić for extension of time, filed on 9 and 12 July 1999 respectively, and noting the Scheduling Order of 12 February 1999 in which the Appeals Chamber ordered Respondent briefs to be filed by 2 August 1999 and all Appellant briefs in reply to be filed by 17 August 1999.

On 19 July 1999, the Appeals Chamber ordered that the Respondent briefs be filed by 17 September 1999 and the Appellant briefs in reply be filed by 8 October 1999.

The Respondents in the appeal are: Delalić, with regard to the Prosecutor's appeal against his acquittal; Mucić with the regard to the Prosecutor's appeal against his sentence; Delić, with regard to the Prosecutor's appeal against Judgement; and the Prosecution with regard to Mucić's appeal against Judgement and sentence; Delić's appeal against Judgement; and Landžo's appeal against Judgement and sentence.

**SIMIĆ & OTHERS CASE**

**TODOROVIĆ FILES INTERLOCUTORY APPEAL BRIEF**

Pursuant to a Scheduling Order issued by the Appeals Chamber (Judges Kirk McDonald (Presiding), Shahabuddeen, Cassese, Wang and Nieto-Navia), dated 8 July 1999, on 22 July 1999 Stevan Todorović filed his brief in the appeal against the Trial Chamber's decision to deny the accused's motion for an evidentiary hearing as to his alleged kidnapping (see Update No. 85).

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**KRNOJELAC CASE**

**AMENDED INDICTMENT CONFIRMED**

Further to the Prosecutor's Motion for Leave to file an Amended Indictment, filed on 22 June 1999. On 21 July 1999, Judge Lal Chand Vohrah granted the Prosecution leave to amend the indictment against Milorad Krnojelac of 17 June 1997, and confirmed the amended indictment filed by the Prosecution on 25 May 1999 (see Update No. 79).

**KVOČKA & OTHERS CASE**

**EXTENSION OF TIME TO FILE PRE-TRIAL BRIEF**

Further to a request by Miroslav Kvočka for extension of time to file the pre-trial brief currently due on 3 September 1999, filed on 19 July 1999. On 22 July 1999, Judge Mohamed Bennouna, in his capacity as pre-trial Judge, granted the request and ordered that Counsel for each accused in the case shall have until 24 September 1999 to file a pre-trial brief.

**PROSECUTION FILES MOTION FOR JOINDER**

Pursuant to Judge Lal Chand Vohrah's order denying the Prosecution Request for leave to amend the "Sikirica & others" and "Kvočka & others" indictments, and direction that the joinder of accused persons charged in separate indictments is a matter to be dealt with by way of motion before a Trial Chamber, dated 6 July 1999 (see Update No. 85).

On 22 July 1999, the Prosecution filed before Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) a Motion for Joinder to add Dragan Kolundžija to the "Kvočka & others" indictment and Request for leave to amend the "Sikirica & others" indictment to remove Kolundžija.

**COURTROOM SCHEDULE: 26 – 30 JULY**

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>Courtroom I</b>	<b>10.00-13.00, TC I</b> <b>Blaskic Trial</b>	<b>10.00-13.00, TC I</b> <b>Blaskic Trial</b>	<b>10.00-13.00, TC I</b> <b>Blaskic Trial</b>	<b>10.00-13.00, TC I</b> <b>Blaskic Trial</b>	<b>10.00-13.00, TC I</b> <b>Blaskic Trial</b>
	<b>14.30-17.30, TC I</b> <b>Blaskic Trial</b>	<b>14.30-17.30, TC I</b> <b>Blaskic Trial</b>	<b>14.30-17.30, TC I</b> <b>Blaskic Trial</b>	<b>14.30-17.30, TC I</b> <b>Blaskic Trial</b>	<b>14.30-17.30, TC I</b> <b>Blaskic Trial</b>
<b>Courtroom II</b>	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
<b>Courtroom III</b>	<b>9.30-13.00, TC III</b> <b>Kordic/Cerkez Trial</b>	<b>9.30-13.00, TC III</b> <b>Kordic/Cerkez Trial</b>	<b>9.30-13.00, TC III</b> <b>Kordic/Cerkez Trial</b>	<b>9.30-13.00, TC III</b> <b>Kordic/Cerkez Trial</b>	<b>9.30-13.00, TC III</b> <b>Kordic/Cerkez Trial</b>
	<b>14.30-16.15 TC III</b> <b>Kordic/Cerkez Trial</b>	<b>14.30-16.15 TC III</b> <b>Kordic/Cerkez Trial</b>	<b>14.30-16.15, TC III</b> <b>Kordic/Cerkez Trial</b>	<b>14.30-16.15, TC III</b> <b>Kordic/Cerkez Trial</b>	<b>14.30, TC III</b> <b>Simic, Status Conf.</b> closed session

\*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.

**PRESS RELEASES ISSUED SINCE 16 JULY**

<b>DATE</b>	<b>NUMBER</b>	<b>TITLE</b>
20/07/99	420	STATEMENT BY JUSTICE LOUISE ARBOUR, PROSECUTOR OF THE ICTY DURING HER VISIT TO ZAGREB, CROATIA
23/07/99	421	PRESIDENT GABRIELLE KIRK MCDONALD MEETS AUSTRIAN MINISTER OF JUSTICE AND STATE SECRETARY FOR FOREIGN AFFAIRS IN VIENNA AND FORMALIZES AGREEMENTS ON ENFORCEMENT OF SENTENCES AND ON GRATIS PERSONNEL FOR THE KOSOVO INVESTIGATIONS

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For a selection of the latest public documents, please visit the [ICTY Website](#)

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