



8 October 1999

ICTY WEEKLY UPDATE – 96

PROCEDURAL DEVELOPMENTS: 4 – 8 OCTOBER

I. OVERVIEW OF COURT PROCEEDINGS

KUPREŠKIĆ & OTHERS CASE

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

The Trial Chamber reconvened on Monday with the testimony of Prosecution rebuttal witness, Mr. Charles McLeod who worked for the British foreign office as a monitor in the European Community Monitoring Mission based in Zagreb.

Mr. McLeod gave evidence regarding his visit to Central Bosnia in May 1993 to carry out an investigation and compile a report about events, particularly on 16 April in Ahmici. Mr. McLeod's reached the conclusion that on 16 April Croats launched a co-ordinated attack against the Muslim villages around Vitez. This witness concluded the Prosecution case-in-rebuttal.

On Wednesday the Trial Chamber heard the testimony of Defence rejoinder witness, Ms. Ljiljana Sapina who was a friend of, and worked in the same factory as, Zoran Kupreškić. The witness gave testimony regarding discussions she and others had about the Ahmici attack. Ms. Sapina also discussed a witness and mutual friend who was too afraid to give evidence in favour of Zoran Kupreškić after which the hearing went into closed session.

The trial Chamber has now adjourned until 8 November 1999 when it will hear the parties' closing arguments.

KORDIĆ & ČERKEZ CASE

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

On Monday the Trial Chamber heard the testimony of protected witness R regarding general events throughout 1992 and 1993. The Trial Chamber then adjourned until 11 October 1999 at 9.30 a.m.

SIMIĆ & AVRAMOVIĆ

Trial Chamber III – Judges Robinson (Presiding), Hunt and Bennouna

The Trial Chamber reconvened on Tuesday to hear the matter of contempt allegations against Milan Simić and his counsel, Mr. Branislav Avramovic which began last week.

The Trial Chamber heard the testimony of two witnesses during the hearing on Tuesday afternoon.

The first, Mr. Mirsad Sahanic, a policeman stationed in Bosanski Šamac, knew Mr. "Agnes" prior to the war and they were subsequently detained in several facilities together. Mr. Sahanic particularly gave evidence regarding telephone conversations he had with Mr. "Agnes" and a woman called Jasna.

After this witness the Prosecution called Mr. Tore Soldal, an investigator at the OTP who originally met Mr. Agnes in May 1999 at the SFOR camp outside Brčko and subsequently took a series of five written statements from Mr. Agnes.

Cont.

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Mr. Soldal gave evidence of Mr. "Agnes"'s statement that he had to call the Defence lawyers every two weeks and the OTP attempt to tape on telephone conversation when Mr. "Agnes" called Mr. Avramovic.

The Trial Chamber concluded this week's hearing in closed session on Wednesday whereupon the Trial Chamber adjourned until a later date.

II. OVERVIEW OF COURT DOCUMENTS

TADIĆ CASE

SENTENCING BRIEFS FILED

Pursuant to a Scheduling Order issued by the Trial Chamber (Judges Kirk McDonald (Presiding), Vohrah and Robinson) on 16 September 1999 (see Update No. 94):

On 1 October and 30 September 1999, the Prosecution and counsel for Duško Tadić filed their respective sentencing briefs in respect of the additional counts of which Tadić was convicted by the Appeals Chamber on 15 July 1999 (see Press Release No. 419).

The Sentencing hearing will take place on Friday 15 October at 10 a.m. in Courtroom I.

SIMIĆ & OTHERS CASE

TODOROVIĆ FILES MOTION TO RE-OPEN EX PARTE MOTION

Further to an Order issued by Trial Chamber III (Judges Robinson (Presiding), Hunt and Robinson) on 1 October 1999 lifting the confidential status of an *ex parte* Decision on the Prosecution Motion for a ruling concerning the testimony of a former employee of the ICRC dated 27 July 1999 (see Press Release No. 439, 8 October 1999):

On 5 October 1999, accused Todorović filed a Motion for an Order seeking to re-open the *ex parte* Motion to allow him an opportunity to be heard in light of a pending Defence Motion dated 22 September 1999 seeking documents from the ICRC.

BRDANIN CASE

MOTION TO DISMISS INDICTMENT DENIED

Pursuant to a Motion to dismiss the indictment filed by the accused on 31 August 1999, in which it was alleged that the material presented by the Prosecution in support of the indictment does not in fact provide support for the allegations in the indictment:

On 5 October 1999, Trial Chamber II (Judges Cassese (Presiding), Mumba and Hunt) denied the Motion on the basis that there is no provision in the Rules of Procedure and Evidence which would permit the Trial Chamber to review the confirming Judge's decision that the material provided by the Prosecution supports the facts pleaded in the indictment.

KUNARAC & KOVAČ CASE

SCHEDULING ORDER ISSUED

On 7 October 1999, Trial Chamber II (Judges Mumba (Presiding), Cassese and Hunt), calling upon the parties to assist in ensuring that the trial can commence in early February 2000, ordered that the next status conference be held on 10 November 1999 at 4.00 p.m.

PRESS RELEASES ISSUED SINCE 29 SEPTEMBER

DATE	NUMBER	TITLE
08/10/99	439	TRIAL CHAMBER III RULES THAT ICRC NEED NOT TESTIFY BEFORE THE TRIBUNAL

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COURTROOM SCHEDULE: 11 – 15 OCTOBER*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	9.00-13.30 Appeals Ch. Tadic/Vujin R77 hearing	9.00-13.30 Appeals Ch. Tadic/Vujin R77 hearing	9.00-14.00 Appeals Ch. Tadic/Vujin R77 hearing	9.00-13.30 Appeals Ch. Tadic/Vujin R77 hearing	10.00-13.30 Appeals Ch. Tadic/Vujin SENTENCING
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
Courtroom III	9.30-13.00, TC III Kordic/Cerkez Trial	9.30-13.00, TC III Kordic/Cerkez Trial	9.30-13.00, TC III Kordic/Cerkez Trial	9.30-13.00, TC III Kordic/Cerkez Trial	9.30-13.00, TC III Kordic/Cerkez Trial
	14.30-16.15, TC III Kordic/Cerkez Trial	14.30-16.15, TC III Kordic/Cerkez Trial	14.30-16.15, TC III Kordic/Cerkez Trial	14.30-16.15, TC III Kordic/Cerkez Trial	14.30-16.15, TC III Kordic/Cerkez 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.

For the latest list of all court filings, please visit the [ICTY Court Records](#)

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