



29 October 1999

ICTY WEEKLY UPDATE – 99

PROCEDURAL DEVELOPMENTS: 25 - 29 OCTOBER

I. OVERVIEW OF COURT DOCUMENTS

TADIĆ CASE

SENTENCING JUDGEMENT RESCHEDULED

On 21 October 1999, the Trial Chamber (Judges Kirk McDonald (Presiding), Vohrah and Robinson) varied the oral scheduling order it issued during the sentencing hearing on 15 October 1999 and ordered that the sentencing judgement for the additional counts of which the accused was convicted by the Appeals Chamber on 15 July 1999 (see Update No. 86) will be handed down on **11 November 1999 at 9 a.m.** instead of 10 a.m.

PARTIES REQUESTED TO FILE BRIEFS REGARDING PRISON SENTENCES IN THE FORMER YUGOSLAVIA

On 28 October 1999, the above Trial Chamber requested both parties to file written briefs by 4 November 1999 setting out their respective views, supported with relevant documentation, in respect of the general practice of prison sentences in the courts of the Former Yugoslavia, both at the time of the commission of the offences for which Tadić stands to be sentenced and at the present time, specifying the maximum penalty which may be imposed for each of these offences.

ALEKSOVSKI CASE

APPEAL BRIEFS IN REPLY FILED

On 25 October 1999, the Prosecution filed its respondent's brief in reply to Aleksovski's appeal brief against the judgement and sentencing handed down by Trial Chamber I (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia) on 7 May 1999.

On the same date Aleksovski filed his brief in reply to the Prosecutor's appeal brief of 24 September 1999 (see Update No. 95).

DELALIĆ & OTHERS CASE

BUREAU DENIES MOTION TO DISQUALIFY JUDGES OR IN THE ALTERNATIVE THAT CERTAIN JUDGES RECUSE THEMSELVES

On 25 October 1999, the Bureau unanimously decided that Judges Riad, Wang and Nieto-Navia are not disqualified from serving on the Appeals Chamber to hear the appeal against the Judgement handed down by Trial Chamber II (Judges Karibi-Whyte (Presiding), Odio Benito and Jan) on 16 November 1998 (see Press Release 364).

In a motion to disqualify Judges or, in the alternative, that certain Judges recuse themselves filed on 30 July 1999 (see Update No. 93), the accused had requested that all Judges who either participated in the plenary session which found that Judge Odio Benito's nomination as Vice-President of Costa Rica was

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compatible with service as a Judge of the Tribunal, or who took part in the plenary session after her election which approved her taking the oath of office as Vice-President of Costa Rica while remaining a Judge of the Tribunal, be disqualified from sitting on the Delalić & others appeal or, in the alternative that these Judges recuse themselves. The motion was filed in light of one ground of appeal which relates to the improper constitution of the Trial Chamber on the basis that Judge Odio Benito's appointment as Vice-President disqualified her from serving as a Judge and sitting on the trial.

The accused submitted that Judges Riad, Wang and Nieto-Navia were at the abovementioned plenary session and as such those three Judges have formed a pre-Judgement upon one of the issues to be determined in the appeal and should thus be disqualified or recuse themselves. However, the Bureau declared that the appellants had failed to demonstrate that the conditions for disqualification of Judges were satisfied. Judge Shahabuddeen attached a declaration.

KOLUNDŽIJA & DOŠEN CASE

INITIAL APPEARANCE SCHEDULED

Noting the detention of Damir Došen by SFOR and his subsequent transfer to the Tribunal on 25 October 1999 (see Press Release 443), on 26 October 1999, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) scheduled the initial appearance of Damir Došen to take place on **Monday 1 November 1999 at 4 p.m.** before Judge May (in the absence of Judges Bennouna and Robinson).

TALIC & BRDANIN CASE

ORDER FOR FILING MOTIONS ISSUED

On 26 October 1999, Judge Hunt, the pre-trial Judge, ordered that the time limits for the Prosecution to respond to documents filed for the accused in the French language shall not commence to run until the receipt by the Prosecutor of a translation of that document in the English language.

PRESS RELEASES ISSUED SINCE 25 OCTOBER

DATE	NUMBER	TITLE
25/10/99	442	JELISIC CASE: NOTICE OF APPEAL FILED BY PROSECUTION
25/10/99	443	DAMIR DOSEN DETAINED BY SFOR IN BOSNIA AND HERZEGOVINA

COURTROOM SCHEDULE: 1 - 5 NOVEMBER*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	9.30, TC III Kordic/Cerkez Trial 14.30, TC III Simic et al. R77	9.30, TC III Kordic/Cerkez Trial 14.30, TC III Simic et al. R77	9.30, TC III Kordic/Cerkez Trial 14.30, TC III Simic et al. R77	9.30, TC III Kordic/Cerkez Trial 14.30, TC III Simic et al. R77	9.30, TC III Kordic/Cerkez Trial 14.30, TC III Simic et al. R77
Courtroom II	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	16.00, TC III Dosen Initial appearance	No proceedings	No proceedings	No proceedings	No proceedings
Courtroom III	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings
	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 Services. Unless otherwise indicated, all sessions are open.

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