



11 February 2000

## ICTY WEEKLY UPDATE – 112

### PROCEDURAL DEVELOPMENTS:

#### I. OVERVIEW OF COURT PROCEEDINGS

##### **ALEKSOVSKI CASE**

*Appeals Chamber – Judges May (Presiding), Mumba, Hunt, Wang and Robinson*

On Wednesday 9 February, the Appeals Chamber issued an oral Judgement dismissing all grounds of appeal filed by Aleksovski. Allowing the Prosecution appeal against sentence, the Appeals Chamber ordered Aleksovski be returned to custody (see Press Release No. 469). The Appeals Chamber reserved its decision on the Prosecution appeal against Judgement.

The Judgement was handed down following oral submissions on the appeals against the Judgement handed down by Trial Chamber *Ibis* (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia) on 7 May 1999 (see Press Release No. 400).

A reasoned written Judgement and a revised sentence will be issued by the Appeals Chamber in due course.

##### **KRSTIĆ CASE**

*Trial Chamber I – Judges Rodrigues (Presiding), Riad and Wald*

On Tuesday 8 and Thursday 10 February, the Trial Chamber held status conferences in closed session.

#### II. OVERVIEW OF COURT DOCUMENTS

##### **FOČA CASE**

##### **VUKOVIC'S REQUEST FOR JOINDER OF TRIALS DISMISSED**

On 9 February 2000, Trial Chamber II (Judges Hunt (Presiding), Mumba and Pocar) denied a request for joinder filed by Vuković on 1 February 2000.

Vuković had requested that he be tried jointly with Kunarac and Kovač and that the commencement of the trial of the two co-accused, presently 20 March 2000, be postponed until 2 May 2000.

The Trial Chamber first held that Kunarac, Kovač and Vuković have not remained co-accused as the Third Amended Indictment against Kunarac and Kovač, dated 1 December 1999, and the separate indictment against the five remaining accused, including Vuković, dated 7 October 1999, have replaced the original indictment charging all accused jointly.

Therefore, considering whether Vuković should be joined to the Third Amended Indictment, the Trial Chamber was of the view that a joinder of trials is not in the interests of justice, but noted that if Vuković is ready for trial by 20 March 2000 he may file a renewed request for joinder.

On 10 February 2000, Vuković filed an agreement for a joint trial of Kunarac, Kovač and Vuković to commence on 20 March 2000.

##### **KOLUNDŽIJA & DOŠEN CASE**

##### **DECISION ON PRELIMINARY MOTIONS**

On 10 February 2000, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued its decisions on motions filed by Counsel for Kolundžija on 9 November 1999, and by Counsel for Došen on 15 December 1999.

The motions concerned objections of the parties with regard to the Amended Indictment, dated 30 August 1999, particularly, vagueness and lack of particulars; clarification of superior responsibility;

insufficient evidence in the supporting materials to support the charges; and irrelevance of sections dealing with general background/other camps.

With regard to vagueness and lack of particulars, the Trial Chamber noted that the conduct of the accused with respect to certain counts is not clearly laid out. The Prosecution was therefore ordered to file an amended version of confidential Attachment A of the indictment, specifying the capacity in which each accused is alleged to have participated and the nature of his responsibility for each incident where the victim(s), place and date is named.

Finding that the issues of whether or not the accused were responsible as superiors for events at Keraterm camp and any challenge to the evidence are matters for trial, the Trial Chamber dismissed these defence objections.

The Trial Chamber also dismissed the objections as to irrelevance, considering that the charge of persecution may require a broad scope of evidence and that the background and general allegations sections of the Amended Indictment may assist in placing the charges against the accused in their context, but they do not make specific charges against the accused.

## COURTROOM SCHEDULE: 14 – 18 FEBRUARY \*

### MONDAY 14 FEBRUARY

Courtroom III 9:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial

### TUESDAY 15 FEBRUARY

Courtroom I 10:00, **Kvočka**, Status Conference  
14:30, **Kvočka**, Status Conference  
Courtroom III 9:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial

### WEDNESDAY 16 FEBRUARY

Courtroom III 9:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial

### THURSDAY 17 FEBRUARY

Courtroom III 9:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial

### FRIDAY 18 FEBRUARY

Courtroom I 10:00, **Kvočka**, Status Conference (*to be confirmed*)  
14:30, **Kvočka**, Status Conference (*to be confirmed*)  
Courtroom III 9:30, **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.

## PRESS RELEASES ISSUED SINCE 31 JANUARY

DATE	NUMBER	TITLE	E	F
08/02/00	468	JUDGE FAUSTO POCAR SWORN IN TODAY	E	F
09/02/00	469	ALEKSOVSKI CASE: THE APPEALS CHAMBER ORDERS ALEKSOVSKI'S RETURN TO CUSTODY	E	

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](#)