



31 August 2001

ICTY WEEKLY UPDATE – 186

LAST MINUTE NEWS:

KRAJIŠNIK and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

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

On Wednesday 29 August, the Trial Chamber held the scheduled second hearing, partly in open session, on the motion for provisional release, filed by Plavšić on 11 July 2001, attended by the representative from the Dutch Ministry of Foreign Affairs and the Minister of Justice in the Government of the Republic of Serbia. An initial hearing on the motion was held on 1 August 2001 (see *Weekly Update* 184).

Noting that there was no longer a dispute between the parties as to the provisional release of Plavšić, the Trial Chamber ordered that the accused will be provisionally released to reside in the Republic of Serbia.

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

SIKIRICA, DOŠEN and KOLUNDŽIJA CASE (“Keraterm Camp”)

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

Having adjourned on 30 July 2001, the Trial Chamber reconvened on Monday 27 August to hear the accused Kolundžija’s defence case-in-chief.

Granting counsel for Kolundžija’s request to postpone the presentation of the defence case in lieu of the Trial Chamber’s written reasons for dismissing Kolundžija’s submissions of “no case to answer” under Rule 98 bis (the oral decision was rendered on 21 June 2001 - see *Weekly Update* 178), the trial was adjourned until Thursday 30 August.

The Trial Chamber reconvened on Thursday in closed session. Hearings were then adjourned until Tuesday 4 September.

KRAJIŠNIK and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

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

On Tuesday 28 August, the Trial Chamber held the scheduled hearing on Krajišnik’s motion, dated 15 August 2001, for provisional release to attend a memorial service for his father on either 12 or 13 September 2001.

Orally rejecting the motion by a majority of two to one, Judge Robinson dissenting, the Trial Chamber held that it was not satisfied that, if released, the accused would appear for trial. Further, the Trial Chamber noted that, as the Republika Srpska Government has not arrested anyone as yet, the guarantee it offered does not have the force which it would have done and thus, the prospect of Krajišnik’s arrest is unlikely.

NIKOLIĆ CASE (“Sušica Camp”)

Pre-trial Judge – Judge Hunt

On Wednesday 29 August, Judge Hunt held the scheduled status conference in open session during which the issue of the accused’s motion for relief based, inter alia, upon alleged illegality of arrest

following his alleged “unlawful kidnapping and imprisonment”, dated 17 May 2001, was discussed (see *Weekly Update* 181).

MILOŠEVIĆ CASE (“Kosovo”)

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

The scheduled status conference was held on Thursday 30 August.

The Trial Chamber first issued an order inviting the Registrar to designate counsel to appear before it as *amicus curiae* considering that it is “*desirable and in the interests of securing a fair trial*”, that an *amicus curiae* be appointed as permitted by Rule 74 of the Rules of Procedure and Evidence, “*not to represent the accused but to assist in the proper determination of the case*”. The *amicus curiae* is to assist the Trial Chamber by:

- 1) making any submissions properly open to the accused by way of preliminary or other pre-trial motion;
- 2) making any submissions or objections to evidence properly open to the accused during the trial proceedings and cross-examining witnesses as appropriate;
- 3) drawing to the attention of the Trial Chamber any exculpatory or mitigating evidence; and
- 4) acting in any other way which designated counsel considers appropriate in order to secure a fair trial.

The Trial Chamber then went on to set a tentative program for the trial as follows:

- 1) the next status conference is to take place on **29 October 2001**;
- 2) the prosecution is to file its pre-trial brief by **26 November 2001**;
- 3) the pre-trial conference has been scheduled to take place on **9 January 2002**;
- 4) the trial may commence in **January or February 2002**.

II. OVERVIEW OF COURT DOCUMENTS:

MUCIĆ and OTHERS CASE (“Čelebići Camp”)

DECISION ON MOTION CONCERNING APPEALS CHAMBER’S JURISDICTION TO REMIT

On 30 August 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) dismissed Mucić and Landžo’s motion for “Determination of Issue of whether the Appeals Chamber had jurisdiction to Remit to Reconstituted Trial Chamber for Adjustment of Sentence”, filed on 20 August 2001.

In reaching its decision, the Trial Chamber considered that “*the question raised in the motion concerns the competence of the Appeals Chamber of the International Tribunal, which issue this Trial Chamber has no competence to entertain.*”

For a summary of the indictments in the above cases please see the information sheets on the Tribunal’s website: <http://www.un.org/icty/glance>.

In addition, a comprehensive summary of the status of all cases currently before the Tribunal can also be found on the Tribunal’s web site: <http://www.un.org/icty/glance/casestatus.htm>

COURTROOM SCHEDULE: 3 – 7 SEPTEMBER*

TUESDAY 4 SEPTEMBER

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial

WEDNESDAY 5 SEPTEMBER

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
(To be confirmed)
16:30, **Plavšić/Krajišnik**, Status Conference

THURSDAY 6 SEPTEMBER

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 – 16:00, **Sikirica/Došen/Kolundžija**, Trial
(To be confirmed)

Courtroom III 10:00, **Brdanin/Talić**, Status Conference

FRIDAY 7 SEPTEMBER

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial
(To be confirmed)

Courtroom II 10:00, **Galić**, Status Conference

*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.

Public proceedings are also broadcast with a 30 minute delay on the ICTY’s web site:

<http://www.un.org/icty/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

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