



1 March 2002

ICTY WEEKLY UPDATE – 209

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

On 25 February 2002, the Trial Chamber reconvened to hear the tenth week of the Prosecution’s case. The Prosecution called witness Carl Harding who worked for the Royal Air Force and served in Sarajevo from July 1992 until January 1993. The witness was in Sarajevo as a United Nations Military Observer (“UNMO”). He observed and reported military activities in Sarajevo. The Prosecution examined the witness and the Defence then started its cross-examination which continued into following day.

On 27 February, the Prosecution called witness Mirsad Kučanin, a police officer in Sarajevo in 1992. Mirsad Kučanin investigated cases involving civilian victims of small-arms or shelling attacks.

On 28 February, the Prosecution resumed its examination of Mirsad Kučanin. The witness subsequently was cross-examined by the Defence.

On 1 March, the Defence resumed cross-examination of the witness.

Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case (“Bosanski Šamac”)

Trial Chamber II Section B – Judges Mumba (Presiding), Singh and Williams

On 25 February 2002, the hearing took place in closed session.

On 26 February, the closed session continued until the latter part of the afternoon when the Prosecution called witness Snježana Delić, a teacher from Bosanski Šamac who testified about events which took place there in 1993.

On 27 February, the Prosecution resumed its examination which concluded the following day at which time the Defence began its cross-examination.

On 28 February, the Prosecution concluded the examination and the Defence began cross-examination.

Slobodan MILOŠEVIĆ Case (“Kosovo”, “Croatia” and “Bosnia and Herzegovina”)

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

In the afternoon of 21 February 2002, the accused concluded his cross-examination of witness Fehim Elshani, a farmer from the Kosovo village of Nagafc. An *amicus curiae* briefly questioned the witness as well. The Prosecution then called witness Halil Morina, a Kosovo-Albanian farmer from the village of Landovicë.

On 25 February, the Prosecution resumed its examination of Halil Morina. The accused then cross-examined the witness. The witness was also briefly questioned by the Judges and an *amicus curiae*. The Prosecution then called witness Agron Berisha, a Kosovo-Albanian doctor from Suha Reka. The Prosecution examined the witness after which the accused started cross-examination.

On 26 February, the accused resumed the cross-examination of the witness and an *amicus curiae* then briefly examined the witness. Later the Prosecution called witness Ajmane Behramaj, a Kosovo Albanian from the village of Izbicë who told the court about the shelling of her village in 1999, the death of her husband and baby and how she fled to Albania. The witness was cross-examined by the accused and examined by one of the *amici curiae*.

On 27 February, the Prosecution called witness Besnik Sokoli, a former translator for the OSCE Verification Mission who fled Kosovo in 1999. Following the examination by the Prosecution, the witness was cross-examined by the accused and examined briefly by an *amicus curiae*. The Prosecution then called witness Halit Barani, a member of the Democratic League of Kosova and the Council for the Defence of Human Rights and Freedoms from Mitrovica.

On 28 February, the Prosecution resumed the examination of Halit Barani. The accused then cross-examined the witness. After cross-examination, the witness was examined by an *amicus curiae* and subsequently re-examined by the Prosecution.

On 1 March, the hearing took place in closed session.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

Trial Chamber II Section A - Judges Agius (Presiding), Janů and Taya

On 25 February 2002, the Trial Chamber convened to hear the sixth week of the Prosecution’s case. The Prosecution called witness Adil Medić who worked for a charitable organisation called Merhamet in Banja Luka in 1992. The witness had visited Manjača Camp as part of his work for the organisation.

After his cross-examination on 26 February, the Prosecution called witness Amir Džonlić, a member of the Executive Board of the Party for Democratic Action (“SDA”) in Banja Luka in 1992.

On 27 February, the Prosecution examination of Amir Džonlić continued.

On 28 February, the Prosecution concluded its examination and the Defence then began the cross-examination of the witness.

On 1 March, the Defence resumed cross-examination of Amir Džonlić.

II. OVERVIEW OF COURT DOCUMENTS:

Tihomir BLAŠKIĆ Case (“Lašva Valley”)

Pre-Appeal Judge Pocar

DECISION GRANTING ACCESS TO NON-PUBLIC MATERIALS

On 20 February 2002, the Trial Chamber ordered, pursuant to Rule 75, that the Appellant Blaskić be granted access to all the non-public materials submitted as evidence in the *Kupreškić*, *Furundžija* and *Kordić* cases, as well as the Rule 68 material from the *Kordić* case, subject to all protective measures including those set out in the Decision.

ORDER

On 21 February, Pre-Appeal Judge Pocar ordered that the parties file a public redacted version of each of the following documents within 14 days of the filing of the order:

- (1) the Appellant’s Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115;
- (2) the “Prosecution Response to Appellant’s Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115”;
- (3) the “Appellant’s Reply in Support of Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115”;
- (4) the “Appellant’s Brief on Appeal”.

Biljana PLAVŠIĆ and Momčilo KRAJIŠNIK Case (“Bosnia and Herzegovina”)

Appeals Chamber – Judges Jorda (Presiding), Hunt, Güney, Pocar and Meron

DECISION ON INTERLOCUTORY APPEAL BY MOMČILO KRAJIŠNIK

Appellant Momčilo Krajišnik had been refused provisional release by the Duty Judge on 6 August 2001 to attend his father’s funeral. Momčilo Krajišnik appealed. On 26 February 2002, the Appeals Chamber dismissed the appeal partly on the grounds that the Appellant was unable to establish that he would return and appear for trial if he were released.

Vidoje BLAGOJEVIĆ, Dragan OBRENOVIĆ and Dragan JOKIĆ Case (“Srebrenica”)

Trial Chamber II – Judges Schomburg (Presiding), Mumba and Agius

ORDER FOR FILING MOTIONS

On 26 February 2002, the Trial Chamber ordered that the following documents need not be filed with leave before being filed on a confidential basis:

- (1) all *ex parte* applications, whatever their nature;
- (2) all applications that relate to ongoing investigations, pending indictments and sealed indictments;
- (3) all *inter partes* applications for witness protection concerning specific persons; and
- (4) all responses to confidential motions and all applications that relate to decisions of the Trial Chamber concerning confidential motions or hearings.

SCHEDULING ORDER

On 26 February 2002, the Trial Chamber ordered the following:

- (1) a joint Status Conference, with each of the accused being present, to take place on **21 March 2002 at 14:30**.
- (2) At the conclusion of the Status Conference, a further initial appearance for each of the accused to take place at which time each accused individually may enter a plea to each count of the new indictment;
- (3) the 30-day period for the filing of preliminary motions, pursuant to Rule 50(C) and Rule 72, to commence 21 March 2002. In the circumstances of this case, the three co-accused may raise preliminary objections in relation to the form of the new indictment in its totality and will not be restricted to the parts of the new indictment that constitute “new charges”, as would be the case pursuant to Rule 50(C).

Pavle STRUGAR and Miodrag JOKIĆ Case (“Dubrovnik”)

Trial Chamber I – Judges Liu (Presiding), El Mahdi and Orié

SCHEDULING ORDER (DEFENCE PRELIMINARY MOTION)

On 27 February 2002, the Trial Chamber scheduled a hearing for **12 March at 14:30**. During which the Trial Chamber will hear arguments from the Defence and the Prosecution. The accused may file a notice if he wishes to attend, by Tuesday **5 March 2002**. The Defence for Pavle Strugar had filed a Preliminary Motion pursuant to Rule 72(A)(i) and (ii) of the Rules of Procedure and Evidence on 18 January 2002, in which the accused had challenged the jurisdiction of the Tribunal and alleged defects in the form of the indictment.

Mladen NALETILIĆ and Vinko MARTINOVIĆ Case (“Tuta” and “Štela”)

Trial Chamber I Section A – Judges Liu (Presiding), Harding Clark and Diarra

DECISION ON MOTIONS FOR ACQUITTAL

On 7 and 8 February 2002, Mladen Naletilić and Vinko Martinović respectively filed confidential Motions of Acquittal. They argued that there was insufficient evidence to warrant convictions in relation to some counts of their indictment including Vinko Martinović’s alleged responsibility for camps along the confrontation line and Mladen Naletilić’s knowledge of the international nature of the conflict in Mostar and Bosnia Herzegovina.

On 28 February, the Trial Chamber partially granted the Motions with respect to paragraph 42 of the indictment regarding detainees used as human shields as well as incidents involving one of the witnesses under counts 9, 10, 11 and 12. A Trial Chamber must acquit under Rule 98*bis* if the evidence is insufficient to sustain a conviction. This standard allows an acquittal to a factual event in a numbered paragraph without necessarily affecting the integrity of the count. The Trial Chamber dismissed the other parts of the Motions.

COURTROOM SCHEDULE: 4 MARCH – 1 MARCH*

MONDAY 4 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 17:00, **Milošević**, Trial
Courtroom II 09:30 - 13:00, **Galić**, Trial
14:30 - 16:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

TUESDAY 5 MARCH

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:30 - 19:00, **Vasiljević**, Closing Arguments
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

WEDNESDAY 6 MARCH

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:30 - 19:00, **Vasiljević**, Closing Arguments
Courtroom II 14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

THURSDAY 7 MARCH

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

FRIDAY 8 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
15:00, **Krajisnik/Plavsić**, Status Conference
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial
14:15 - 19:00, **Simić et al.**, 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.

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

<http://www.un.org/icty/latest/> (in English) (Please click on Hearing Schedule);

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

PRESS RELEASES ISSUED SINCE 20 FEBRUARY

DATE	NUMBER	TITLE	E	F	B/C/S
20/02/2002	661	PROVISIONAL RELEASE GRANTED TO RAHIM ADEMI AND MIODRAG JOKIĆ	E		B/C/S

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