



8 March 2002

ICTY WEEKLY UPDATE – 210

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 4 March 2002, the Trial Chamber reconvened to hear the eleventh week of the Prosecution case. The Prosecution called witness Sead Besić, a policeman who had investigated shelling in Sarajevo from 1992 until 1995 who testified *inter alia* about the Markale Market shelling.

There was no sitting on 5 March.

On 6 and 7 March, the Defence cross-examined Sead Besić. The witness was then briefly re-examined by the Prosecution and questioned by the judges. The Prosecution then called witness Ezrema Boskailo who also testified about the shelling of Markale Market in Sarajevo. The Defence then cross-examined the witness.

There was no sitting on 8 March.

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

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

On 1 March 2002, the Defence concluded its cross-examination of witness Snježana Delić. The Prosecution then re-examined the witness. Following Snježana Delić's testimony, the Prosecution called witness Dragan Delić, the spouse of the previous witness. Dragan Delić testified about his detention at the Primary School Gym and his interrogation in the Bosanski Šamac SUP building.

On 4 March, the Prosecution resumed its examination of the witness.

There was no sitting on 5 March.

On 6 March, the Defence concluded the cross-examination of witness Dragan Delić. The trial was then adjourned to **25 March 2002**.

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

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

On 4 March 2002, the Trial Chamber reconvened to hear the third week of the Prosecution case. The Prosecution called witness Hasan Pruthi, an Albanian judge in the Commercial Court of Gjakovë/Djakovica until the court was dissolved in 1991. He testified about killings and fires later in 1999. The accused and an *amicus curiae* then questioned the witness after which the Prosecution called witness Qamil Shabani from the village of Zhegër/Žegra in Kosovo.

There was no sitting on 5 March.

On 6 March, the accused cross-examined witness Qamil Shabani. An *amicus curiae* then examined the witness. Following re-examination, the Prosecution called witness Sabit Kadriu, a human-rights activist from Kosovo.

On 7 March, the Prosecution resumed its examination of Sabit Kadriu. The accused then cross-examined the witness.

On 8 March, the accused resumed its cross-examination.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

On 4 March 2002, the Trial Chamber convened to hear the seventh week of the Prosecution case. The Defence resumed cross-examination of Amir Džonlić, a member of the Executive Board of the Party for Democratic Action (“SDA”) in Banja Luka in 1992.

On 5 March, there was no sitting.

On 6 March, the Defence resumed the cross-examination of witness Amir Džonlić.

On 7 and 8 March, the hearing took place in closed session.

Mitar VASILJEVIĆ Case (“Višegrad”)

Trial Chamber II Section A – Judges Hunt (Presiding), Janů and Taya

On 6 and 8 March 2002, the parties convened to deliver their Closing Arguments which concluded the proceedings in this case.

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

Trial Chamber – Judges May (Presiding), Robinson and Kwon

On 8 March 2002, the parties convened before the Pre-Trial Judge for a Status Conference to discuss the progress of the case. Only Momčilo Krajišnik was present, since the Trial Chamber provisionally released Biljana Plavšić on 6 September 2001.

Miroslav KVOČKA, Milojica KOS, Mlado RADIĆ, Zoran ŽIGIĆ and Dragoljub PRCAĆ Case (“Omarska, Keraterm and Trnopolje Camps”)

Appeals Chamber – Judges Shahabuddeen (Presiding), Hunt, Güney, Gunawardana and Meron

On 8 March 2002, the parties convened before the Pre-Appeal Judge for a Status Conference to discuss the progress of the case.

II. OVERVIEW OF COURT DOCUMENTS:

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

ORDER ON LEGAL REPRESENTATION OF THE ACCUSED MOMIR TALIĆ

On 1 March 2002, the Trial Chamber directed Mr. de Roux, lead counsel for the accused Momir Talić, to be actively involved in the defence of his client. On 13 February 2002, the Registrar appointed Ms. Fauveau-Ivanović co-counsel for the accused. The official appointment of Mr. Pitron as co-counsel has been delayed until he provides the Registrar with the required documentation. If necessary the Trial Chamber will issue a further ruling on this matter in due course.

The Trial Chamber emphasised that acting as co-counsel automatically entails responsibilities *vis-à-vis* the accused as well as *vis-à-vis* the Tribunal. During the second week of the trial, both Mr. de Roux and Mr. Pitron were absent and failed to provide the Trial Chamber with an explanation as to their absence or to inform Momir Talić that they would not be present.

Milimir STAKIĆ Case (“Prijedor”)

Pre-Trial Judge Schomburg

DECISION ON PROSECUTION’S REQUEST FOR LEAVE TO AMEND THE INDICTMENT AND SCHEDULING ORDER

On 4 March 2002, the Pre-trial Judge granted the Prosecution’s Request for Leave to Amend the Indictment, filed on 28 February 2002. The Defence was invited to singularise its response to the Third Amended Indictment on both contents and form by **27 March 2002**.

The Pre-trial Judge further invited the accused to identify, if he so wishes, the parts of the Indictment that he does not want to contest in the interest of expeditious proceedings. The accused’s co-operation

will also be taken into account in case this procedure should reach a sentencing stage. Since the accused has the right to remain silent, he is not obliged to co-operate in this matter.

ORDER FOR FILING OF MOTIONS AND RELATED MATTERS

On 7 March 2002, the Pre-trial Judge issued an order setting out *inter alia* the conditions of the filing of confidential motions (See also the Order For Filing Motions rendered by Trial Chamber II on 26 February 2002 in the case of *the Prosecutor v. Vidoje BLAGOJEVIĆ, Dragan OBRENOVIĆ and Dragan JOKIĆ* in *Weekly Update* No. 209).

Hazim DELIĆ Case (“Celebici Camp”)

Pre-Review Judge Hunt

SCHEDULING ORDER

On 4 March 2002, the Pre-Review Judge ordered Defence counsel to file its non-confidential Reply to the Prosecution’s Response to the Appeals Chamber Request for Further Information no later than **7 March 2002**.

Milorad KRNOJELAC (“Foca KP Dom Camp”)

Trial Chamber II – Judges Hunt (Presiding), Mumba and Liu

SCHEDULING ORDER FOR DELIVERY OF JUDGEMENT

On 4 March 2002, the Trial Chamber ordered the Judgement in the proceedings against Milorad Krnojelac to be delivered on **15 March 2002 at 11:00**.

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

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

DECISION ON PROSECUTION’S MOTION FOR LEAVE TO AMEND THE CONSOLIDATED INDICTMENT

On 4 March 2002, the Trial Chamber:

- (1) granted the Prosecution’s Motion;
- (2) rejected the application of the Krajišnik Defence to be granted leave to file a motion for particulars, but will consider any such application made after the Prosecution files its pre-trial brief; and
- (3) rejected the application of the Krajišnik Defence for an oral hearing on the motion for particulars.

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

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

ORDER TO REGISTRY TO PROVIDE REPORT CONCERNING PRACTICAL FACILITIES AVAILABLE TO ACCUSED

On 6 March 2002, the Trial Chamber ordered the Registrar of the Tribunal to file, within 14 days, a written report setting out:

- (1) a summary of facilities made available to the accused in connection with the preparation of his defence since his arrival at the United Nations Detention Unit, both at the Detention Unit and while the accused is physically present at the seat of the Tribunal to attend the trial, including any restrictions which may apply as to the timing or frequency of access to the facilities;
- (2) a statement of the facilities currently available to the accused and any restrictions relating thereto; and
- (3) any observations on the *amici curiae* Brief on the Provision of Adequate Facilities to Allow the Accused to Defend Himself which the Registrar may think appropriate to raise at this time.

DECISION ON ACCUSED’S APPLICATION FOR PROVISIONAL RELEASE

The accused requested provisional release during the proceedings on 26 and 27 February 2002. The Trial Chamber denied the request in a written Decision of 6 March 2002. It considered that, despite the practical difficulties faced by the accused, his right to have adequate time and facilities for the preparation of his defence may be safeguarded by means other than provisional release. Moreover, it was not satisfied that the accused, if released, would continue to appear for trial and would not pose any danger to any victim, witness or other person.

DECISION ON PROSECUTION REQUEST FOR FURTHER TIME TO CONTACT WITNESSES

On 6 March 2002, the Trial Chamber ordered that:

- (1) the Prosecution be granted an extension until **5 April 2002** in which to contact witnesses in confidential *ex parte* Schedule B of the Decision on Prosecution Motion for Provisional Protective Measures dated 19 February 2002 (“the Decision”) after which their statements are to be disclosed to the accused in unredacted form.
- (2) the additional witnesses who have been granted protective measures in other proceedings since the initial request of the Prosecution for provisional protective measures have the protective measures continued to the same extent as witnesses identified in confidential *ex parte* Schedule A of the Decision;
- (3) the Prosecution be granted an extension until **5 April 2002** in which to contact witnesses in confidential *ex parte* Schedule C of the Decision. These are witnesses for whom the Prosecution had not requested provisional protective measures in its initial request after which their statements are to be disclosed to the accused in unredacted form;
- (4) there will be no further extensions of the Trial Chamber’s orders.

COURTROOM SCHEDULE: 11 MARCH – 15 MARCH*

MONDAY 11 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
(Possibility of extension to 16:30)
Courtroom II 09:00 - 13:45, **Brđanin/Talić**, Trial
Courtroom III 09:30 - 13:00, **Galić**, Trial
14:30 - 16:00, **Galić**, Trial

TUESDAY 12 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
(Possibility of extension to 16:30)
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:30, **Strugar**, Motion Hearing
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial

WEDNESDAY 13 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
(Possibility of extension to 16:30)
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial

THURSDAY 14 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
(Possibility of extension to 16:30)
Courtroom II 09:00 - 13:45, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial

FRIDAY 15 MARCH

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
(Possibility of extension to 16:30)
Courtroom II 09:00 - 13:45, **Galić**, Trial
14:15 - 19:00, **Brđanin/Talić**, Trial
Courtroom III 11:00 - 12:00, **Krnojelac**, Judgement

*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
06/03/2002	662	PRESIDENT OF THE TRIBUNAL MEETS WITH AMERICAN DIPLOMATIC DELEGATION	E	F	B/C/S

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