



15 March 2002

## ICTY WEEKLY UPDATE – 211

### LATEST NEWS:

#### **Milorad KRNOJELAC Case (“Foča - KP Dom Camp”)**

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

On 15 March, the Trial Chamber rendered its Judgment. Milorad Krnojelac was convicted on four counts of the Indictment and sentenced to seven and a half years imprisonment (see *Press Release* No. 663).

### 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 11 March 2002, the Trial Chamber reconvened to hear the twelfth week of the Prosecution case. The Prosecution called witness Esad Hadžimuratović, a former taxi driver from Sarajevo who testified about the shelling of the Markale market in Sarajevo in 1994. The Defence then cross-examined the witness. The Prosecution subsequently called a protected witness who took part in the on-site investigation at the Markale market shelling as a ballistics examiner for the local police.

On 12 March, Rule 92 *bis* evidence was discussed. The Prosecution then resumed the examination of the protected witness. On 13 March, following the conclusion of the Prosecution’s examination, the Defence began its cross-examination of the witness.

On 14 March, the Defence resumed its cross-examination of the witness.

On 15 March, the Prosecution called another protected witness.

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

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

On 11 March 2002, the Trial Chamber reconvened to hear the fourth week of the Prosecution case. The Prosecution called witness Saqir Thaçi, a truck driver from the village Mamushë/Mamuša in Kosovo who testified about the burning of houses in his town and how he transported Albanians to the border of Kosovo in 1999. The accused then cross-examined the witness and the Judges briefly questioned him as well. The Prosecution then called witness Hazbi Loku, a teacher from Kotlinë/Kotlina, who testified about the shelling of his village in 1999 and how the residents subsequently left for Macedonia. In the latter part of the afternoon, a Rule 92 *bis* hearing was held.

On 12 March, the Trial Chamber rendered an oral decision on the admissibility of Rule 92 *bis* evidence. In principle, the Trial Chamber admitted the 23 statements mentioned in the Prosecution Motion provided that the number of Prosecution witnesses be limited to four per municipality in Kosovo, including the *viva voce* witnesses already called. The witnesses whose statements are admitted will be subject to cross-examination. The Prosecution is allowed to ask each witness some introductory questions.

The Prosecution then resumed its examination of witness Hazbi Loku after which the accused cross-examined the witness. One of the three *amici curiae* then cross-examined the witness. The Prosecution

then called witness Bajram Bucaliu, a railway station employee of the village of Fshati i Vjeter/Staro Selo in Kosovo. After the Prosecution's examination, the accused began his cross-examination.

On 13 March, the accused resumed his cross-examination of the witness. Following the conclusion of the cross-examination, an *amicus curiae* examined the witness. The Judges briefly questioned the witness. The Prosecution then called expert witness Patrick Ball, co-author of the report called "Killings and Refugee Flow in Kosovo March-June 1999". In the latter part of the afternoon, the accused began his cross-examination.

On 14 March, the accused resumed his cross-examination. After the conclusion of the cross-examination, an *amicus curiae* questioned witness Patrick Ball and the Prosecution re-examined the witness. The Prosecution then called witness Paddy Ashdown, the High Representative for Bosnia, who testified about time spent in the former Yugoslavia and his visit to northern Albania and Kosovo in 1999.

On 15 March, the Prosecution concluded its examination. The accused then began his cross-examination.

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**Radoslav BRĐANIN and Momir TALIĆ Case ("Krajina")**

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

On 11 March 2002, the Trial Chamber convened to hear the eighth week of the Prosecution case. A witness was heard in closed session which continued into the next day.

On 13 and 14 March, the Trial Chamber heard the testimony of more witnesses, also in closed session.

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**Pavle STRUGAR and Miodrag JOKIĆ Case ("Dubrovnik")**

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

On 12 March 2002, the Trial Chamber convened to hear the Defence Preliminary Motion Challenging the Jurisdiction of the Tribunal and Objecting to the Form of the Indictment, pursuant to Rule 72(A)(i) and (ii) of the Rules of Procedure and Evidence. The Motion was filed by the accused Pavle Strugar on 18 January 2002. The Prosecution Response to the Defence Motion was filed on 1 February 2002. The accused was not present at the hearing. The Trial Chamber will deliberate and render its decision in due course.

After the hearing, a Status Conference was held, presided over by pre-trial Judge Orić. Pre-trial preparations were discussed.

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**Mitar VASILJEVIĆ Case ("Višegrad")**

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

On 14 March 2002, the parties concluded their Closing Arguments. The Judgement will be rendered in due course.

## **II. OVERVIEW OF COURT DOCUMENTS:**

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**Tihomir BLAŠKIĆ Case ("Lasva Valley")**

*Appeals Chamber – Judge Pocar (Presiding), Hunt, Güneý, Gunawardana and Meron*

**DECISION ON APPELLANT'S MOTION REQUESTING ASSISTANCE OF THE APPEALS CHAMBER IN GAINING ACCESS TO NON-PUBLIC TRANSCRIPTS AND EXHIBITS FROM THE ALEKSOVSKI CASE**

On 8 March 2002, the Appeals Chamber ordered that the Prosecution seek consent to release Rule 70(C) related material in the case *The Prosecutor v. Aleksovski* and that the Registry disclose all non-public transcripts and exhibits submitted as evidence in the *Aleksovski* case to the Appellant, subject to any protective measures already adopted by the Trial Chamber and the following additional protective measures:

The Appellant, his counsel and any employee at Latham and Watkins or at the office of Mr. Anto Nobile, who have been instructed or authorised by counsel to access the disclosed materials shall prior to having such access:

- (1) sign and file with the registry a written undertaking stating:

- (i) that he/she shall not disclose to any third party either the identities of protected witnesses or the content of protected documents, unless sub-paragraph (3) has been complied with, and
  - (ii) that he/she is fully aware that if the measures provided for in this decision are violated he/she could be found to be in contempt of the Tribunal pursuant to Rule 77 of the Rules;
- (2) third parties exclude:
- (i) the Appellant;
  - (ii) persons employed by counsel's law firm who have signed and filed such a written undertaking;
  - (iii) personnel from the Tribunal; or
  - (iv) member of the Office of the Prosecutor;
- (3) in the event that the Appellant considers it necessary to grant access to any of the disclosed material to third parties, the Appellant shall with the Registry, at least four working days prior to granting such access, a signed written undertaking by that third party in the terms set out in sub-paragraph (1), as well as a written undertaking stating that the disclosed material will not be copied, reproduced or publicised. Such an undertaking shall not be made on an *ex parte* basis.

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**Enver HADŽIHASANOVIĆ, Mehmed ALAGIĆ and Amir KUBURA Case (“Central Bosnia”)**

*Trial Chamber II – Pre-trial Judge Mumba*

**SCHEDULING ORDER**

On 11 March 2002, the pre-trial Judge ordered that a Status Conference be held on **22 March 2002 at 15:00**.

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

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

**ORDER SETTING TIMETABLE FOR PRE-TRIAL BRIEFS**

On 11 March 2002, the pre-trial Judge ordered as follows:

- (1) The Office of the Prosecutor shall file the final version of its pre-trial brief, its list of witnesses and its list of exhibits as particularised in Rule 65 *ter* (E) of the Rules by **2 May 2002**;
- (2) The Defence for the two co-accused shall file their pre-trial briefs as particularised in Rule 65 *ter* (F) of the Rules by **1 September 2002**.

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

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

**ORDER IN RESPECT OF PRE-DEFENCE FILINGS**

On 12 March 2002, the Trial Chamber issued an order pursuant to Rules 54 and 65 *ter* of the Rules that Counsel for the Defence confidentially file the names of all witnesses they intend to call as well as the order in which they will appear no later than 15 March 2002. It further ordered that the Defence provide a list of exhibits and additional information about the witnesses prior to the Pre-Defence Conference on **20 March 2002**. The parties are requested to meet to discuss the proposals submitted in the Naletilić filing (confidentially filed on 1 March 2002) in order to present to the Trial Chamber the areas of agreement at the Pre-Defence Conference.

**DECISION ON DEFENCE’S MOTION FOR PRELIMINARY PROTECTIVE MEASURES**

On 12 March 2002, the Trial Chamber, pursuant to Rules 54 and 75 of the Rules of the Procedure and Evidence, ordered that:

- (1) the Prosecution may not disclose any non-public documents provided by the Defence;
- (2) unless it is directly necessary in order to prepare for the Defence case, the Prosecution shall not disclose;
  - (a) any name or information enabling the witness to be identified or the whereabouts of the confirmed or potential witnesses disclosed by the Defence;
  - (b) any evidence (including documentary, physical or other evidence) or any written statement of a witness or potential witness, or the substance, in whole or in part, of any such non-public evidence, statement or prior statement;

- (3) if the Prosecution deems it necessary to disclose such information in order to prepare and present its case, it informs each recipient of the information, that he or she is forbidden to copy, reproduce or publicise it, in whole or in part, or to disclose or show it to any other person;
- (4) the Prosecution shall keep a log of the name, address and function of any person or entity receiving the information in question as well as the date of disclosure.

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

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

**ORDER REGARDING THE PROVISIONAL RELEASE REQUEST OF THE ACCUSED JOKIĆ**

On 12 March 2002, the pre-trial Judge ordered that the Prosecution file its response to the accused’s Provisional Release Motion by **20 March 2002**. He further ordered that Defence counsel for the accused Dragan Jokić and Dragan Jokić himself, if he so wishes, be prepared to reply orally to the Prosecution’s response during his further initial appearance scheduled for **21 March**.

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**Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)**

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

**DECISION ON JOINT MOTION BY MOMCILO KRAJIŠNIK AND BILJANA PLAVŠIĆ FOR ACCESS TO TRIAL TRANSCRIPTS OF BOTH OPEN AND CLOSED SESSIONS AND DOCUMENTS AND THINGS FILED UNDER SEAL**

On 13 March 2002, the Trial Chamber granted the Applicants:

- (1) access by the Registry to open session transcripts produced by Trial Chamber II in the Brdanin and Talić trial on a continuous manner;
- (2) access by the Registry to closed session transcripts produced by Trial Chamber II in the Brdanin and Talić trial, to date, after the redaction by the Registry of those parts of it which will reveal the identity of any witness who gave evidence for either party on a confidential basis and provided that the necessary protective measures are applied;
- (3) leave to make an application at the appropriate time justifying the disclosure to them of the identity of any particular witness;
- (4) access by the Registry to confidential trial exhibits introduced in Trial Chamber II in the Brdanin and Talić trial, to date, after the redaction by the Registry of those parts of the exhibit which will reveal the identity of any protected person and provided that the necessary protective measures are applied; and
- (5) leave to make an application at the appropriate time justifying the disclosure to them of the exhibit in its original form.

The Registry is directed to provide the Applicants with the documents under (1), (2) and (4) in a prompt and timely manner.

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**COURTROOM SCHEDULE: 18 MARCH – 22 MARCH\***

**MONDAY 18 MARCH**

Courtroom I 09:30 - 13:00, **Milošević**, Trial  
14:30 - 16:00, **Milošević**, Trial  
(Possibility of extension to 16:30)  
Courtroom II 09:30 - 13:00, **Galić**, Trial  
14:30 - 16:00, **Galić**, Trial  
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
15:00, **Dragan Nikolić**, Further Initial Appearance

**TUESDAY 19 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

**WEDNESDAY 20 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

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Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
14:15 - 19:00, **Martinović/Naletilić**, Pre-Defence Conference

**THURSDAY 21 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  
15:00, **Ljubicić**, Status Conference  
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
14:30, **Blagojević et al.**, Further Initial Appearance & Joint Status Conference

**FRIDAY 22 MARCH**

Courtroom I 09:30 - 13:00, **Milošević**, Trial  
15:30, **Hadzihasanović et al.**, Status Conference  
Courtroom II 09:00 - 13:45, **Galić**, 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
15/03/2002	663	Prosecutor v. Milorad Krnojelac	E	F	B/C/S

For the latest list of all court filings, please visit the [ICTY Court Records](#)

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