



5 July 2002

ICTY WEEKLY UPDATE – 227

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 2 July 2002, the Trial Chamber convened to hear the sixteenth week of the Prosecution case. The Prosecution called witness Ambassador Wolfgang Petritsch who was the High Representative of the international community for Bosnia and Herzegovina from 1999 to 2002. The accused and an *amicus curiae* then cross-examined the witness.

On 3 July, the Prosecutor introduced the statement of Rule 92 *bis* witness Mustafa Draga from the village of Losinje in Kosovo who testified about the attack on his village and the execution of civilians. The accused cross-examined the witness. The Prosecution then introduced the statement of Rule 92 *bis* witness Hani Hoxha from Gjakova who testified about the attack on his town in 1999. The witness was then cross-examined by the accused. The Prosecutor subsequently called Rule 92 *bis* witness Ali Gjogaj, a gravedigger from Prizren who testified about the exhumation of bodies in Kosovo in 1999.

On 4 July, the accused resumed his cross-examination. The Prosecution then introduced the statement of Rule 92 *bis* witness Halit Berisha who was the chairman of the municipality of Suva Reka in Kosovo until he was dismissed in 1991. The accused cross-examined the witness. The Prosecution then called Rule 92 *bis* witness Hysni Berisha, a lawyer from Suva Reka who testified about the attack on the town in 1999. The accused and an *amicus curiae* then cross-examined the witness. The Prosecution subsequently called Rule 92 *bis* witness Sandra Mitchell who was head of the human rights division of the Organisation for Security and Cooperation in Europe (“OSCE”) in Kosovo in 1999 and 2000.

On 5 July, the accused resumed the cross-examination of witness Sandra Mitchell. The Prosecution then re-examined the witness.

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

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

On 1 July 2002, the Trial Chamber convened to hear the fifteenth week of the Defence case. The Prosecution resumed the cross-examination of protected witness NR. The Defence then examined protected witness NS.

On 2 July, the Prosecution cross-examined protected witness NS.

On 3 July, the Prosecution concluded its cross-examination. The Defence then examined witness Ante Markotić, an expert on demography and development, who wrote a book on demographic aspects of the war in Bosnia and Herzegovina. The book was tendered into evidence.

On 4 July, the Prosecution resumed cross-examination.

After the conclusion of the presentation of the witnesses of the Naletilić Defence case the court adjourned until **15 July 2002** when the Martinović Defence case is scheduled to commence.

STAKIĆ Case (“Prijeđor”)

Trial Chamber II – Judges Schomburg (Presiding), Fassi Fihri and Vassylenko

On 1 July 2002, the Trial Chamber convened to hear the thirteenth week of the Prosecution case. The Prosecution resumed the examination of Mevludin Sejmenović who began his testimony on 12 June 2002 (see *Weekly Update* No. 225). The Defence then cross-examined the witness.

On 2 July, the Trial Chamber ruled that the Prosecution had until **20 September 2002** to conclude its case. The Defence then resumed the cross-examination of Mevludin Sejmenović.

On 3 July, the Prosecution called witness Ivo Atlija from the village of Briševo in the local commune of Ljubija who testified about the attack on Hambarine in the Prijedor municipality.

On 4 July, the Prosecution resumed examination of witness Ivo Atlija. The Defence then cross-examined the witness. The Prosecution subsequently examined a witness through video link.

Corrigendum:

Weekly Update No. 226 erroneously indicated that the Defence of Milomir Stakić conducted a cross-examination of witness Nermin Karagić.

SIMIĆ *et al.* Case (“Bosanski Šamac”)

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

On 1 July 2002, the Prosecution resumed examination of witness Jelena Kapetanović who began her testimony on 4 June 2002 (see *Weekly Update* No. 223). The Defence then cross-examined the witness.

On 2 July, the Defence resumed the cross-examination of witness Jelena Kapetanović.

On 3 July, the Prosecution examined witness Osman Jašarević from Bosanski Šamac who testified about his detention in the SUP building in 1992.

On 4 July, the proceedings took place pursuant to Rule 15 *bis* of the Rules of Procedure and Evidence due to the absence of one of the Judges. The Defence cross-examined witness Osman Jašarević.

On 5 July, the Defence resumed the cross-examination of witness Jašarević.

GALIĆ Case (“Sarajevo”)

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

On 1 July 2002, the Trial Chamber convened to hear the twenty-fifth week of the Prosecution case. The hearing took place in closed session.

On 2 July, the Prosecution resumed the examination of witness Richard Mole, a British United Nations Military Observer, who began his testimony on 7 June 2002 (see *Weekly Update* No. 223). The Defence then cross-examined the witness.

On 3 July, the Defence resumed the cross-examination of witness Richard Mole.

On 4 July, the Defence concluded its cross-examination of the witness. The Prosecution then examined Colonel David Fraser who was a military assistant with the United Nations Protection Force (“UNPROFOR”) in 1994.

On 5 July, the Defence cross-examined Colonel Fraser.

BRĐANIN and TALIĆ Case (“Krajina”)

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

On 1 July 2002, the Trial Chamber convened to hear the twentieth week of the Prosecution case.

On 2 and 3 July 2002, the hearing took place in closed session.

On 4 July, the Prosecution examined witness Bekir Delić who testified about the destruction of Muslim and Croat businesses in Sanski Most in 1991 and 1992.

LJUBIČIĆ Case

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

On 1 July 2002, a hearing was held to hear the parties on the Request for Provisional Release filed by the accused. A decision will be rendered in due course.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

ŠAINOVIĆ and OJDANIĆ Case (“Kosovo”)

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

DECISION ON PROSECUTION’S REQUEST FOR EXTENSION OF TIME IN WHICH TO FILE APPLICATION FOR LEAVE TO APPEAL

On 27 June 2002, the Prosecution requested an extension of time in which to file its Application for Leave to Appeal. On 28 June 2002, the Trial Chamber considered that the Prosecution had not shown good cause justifying the extension of time-limit provided for under Rule 65(F) of the Rules of Procedure and Evidence. It rejected the Prosecution’s Request and ordered the Defence to file a response to the Provisional Application for Leave to Appeal on 5 July 2002 at the latest and the Prosecutor to file a reply on 8 July at the latest, should this prove necessary.

STRUGAR and JOKIĆ Case (“Dubrovnik”)

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

DECISION ON DEFENCE PRELIMINARY MOTION CONCERNING THE FORM OF THE INDICTMENT

On 18 January 2002, the Defence filed a Preliminary Motion pursuant to Rule 72 of the Rules of Procedure and Evidence. The Motion challenged the form of the Indictment and the Tribunal’s jurisdiction. On 28 June 2002, the Trial Chamber granted the Motion in respect of the Defence’s challenge to the form of the Indictment to the extent set out in its Decision. It further ordered the Prosecution to file a new Indictment within 14 days of this Decision.

MARTIĆ Case (“Zagreb Bombing”)

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

ORDER

On 14 June 2002, the Deputy Registrar filed a decision assigning Gert-Jan Knoops to Martić’s defence for a period of 100 days. The Deputy Registrar decided that the continued assignment of Strahinja Kastratović would infringe on the rights of the accused due to an alleged conflict of interest that Kastratović had failed to neutralize. On 26 June 2002, Kastratović filed an Appeal.

On 3 July 2002, the Trial Chamber ordered as follows:

- 1) that the accused, counsel of his choice Kastratović, assigned Defence counsel Knoops and the Registry submit further information and clarification of their respective positions on the alleged conflict of interest;
- 2) that the Prosecution submit all relevant information on the factual background of the alleged conflict of interest;
- 3) that the written submissions shall not exceed five pages and be submitted no later than **10 July 2002**.

COURTROOM SCHEDULE: 8 JULY – 12 JULY*

MONDAY 8 JULY

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

TUESDAY 9 JULY

Courtroom I 09:00 - 12:30, **Milošević**, Trial
13:00 - 13:45, **Gruban**, Provisional Release Hearing
Courtroom II 09:00 - 13:45, **Stakić**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
14:15 - 19:00, **Brđanin and Talić**, Trial

WEDNESDAY 10 JULY

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Galić**, Trial
16:00, **Krajisnik and Plavsić**, Provisional Release Hearing

Courtroom III 09:00 - 13:45, *Simić et al.*, Trial
14:15, **IT-99-36**, Pre-hearing on Contempt

THURSDAY 11 JULY
PLENARY SESSION

FRIDAY 12 JULY
PLENARY SESSION

*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).

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