



26 July 2002

ICTY WEEKLY UPDATE –230

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 22 July 2002, the Trial Chamber convened to hear the 19th week of the Prosecution case. The accused resumed the cross-examination of protected witness K32 who began his testimony on 17 July 2002 (see *Weekly Update* No. 229).

Then Zoran Lilić, former President of the Federal Republic of Yugoslavia appeared before the Tribunal under a subpoena to state his difficulties with testifying before the Tribunal.

The Prosecution then examined subpoenaed witness Dragan Karleuša who led the police working group investigating allegations of a refrigerator truck containing corpses found in the Danube in 1999.

On 23 July, the accused cross-examined the witness and the Prosecution re-examined the witness. The Prosecution then examined witness Boško Radojković, a crime investigator who investigated the freezer lorry that was found in the Danube.

On 24 July, the accused cross-examined the witness. The Prosecution then introduced the Rule 92 *bis* witness Isuf Jemini, who testified about the attack on Celine in Kosovo in 1999. The accused then cross-examined the witness. The Prosecution then called witness Radomir Marković who was the Head of State Security of Serbia from 1998 to 2000.

On 25 July, the Pre-Trial Conference for the part of the trial on Croatia and Bosnia and Herzegovina took place. The Trial Chamber ruled that:

The presentation of the Prosecution evidence in chief for Kosovo has been extended until 13 September 2002.

The Prosecution is required to submit the list of witnesses for Croatia and Bosnia and Herzegovina by 31 July 2002 and the exhibits in relation to those witnesses as soon as possible after that.

There will be a break in proceedings from 13 until 30 September and the presentation of the Prosecution evidence in chief for Croatia and Bosnia and Herzegovina is scheduled to begin on 30 September 2002.

Opening statements will be allowed, with a time limit of 3 hours for both the Prosecution and the accused.

The Trial Chamber ruled that there will be a total of 177 live Prosecution witnesses and 106 witnesses for Bosnia and Herzegovina and 71 for Croatia (down from the proposed 275).

The presentation of the Prosecution evidence in chief for all three Indictments is currently scheduled to end on 16 May 2003 (it was previously scheduled for 10 April).

The Prosecution then resumed the examination of witness Radomir Marković.

On 26 July, the Prosecution resumed the examination of the witness. The accused then cross-examined the witness.

STAKIĆ Case (“Prijeđor”)

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

On 22 July 2002, the Trial Chamber convened to hear the 16th week of the Prosecution case. The Prosecution examined protected witness U who testified about the attack on Kamičani in the Prijeđor Municipality in May 1992. The Defence then cross-examined the witness.

On 23 July, the Defence cross-examined the witness. The Prosecution then examined witness Samir Poljak from Jakupovići in the Prijedor Municipality who testified about the take-over of Prijedor Municipality by Serb authorities in 1992.

On 24 July, the Defence cross-examined the witness. The Prosecution then examined witness Ewa Tabeau, an expert on demography with the Office of the Prosecutor.

On 25 July, the Defence cross-examined the expert witness. The Prosecution then examined witness Bernard O'Donnell, an investigation team leader with the Office of the Prosecutor,

BRĐANIN and TALIC Case ("Krajina")

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

On 22 July 2002, the Trial Chamber convened to hear the 23rd week of the Prosecution case. The hearing took place mainly in closed session this week. On Thursday, the hearing was adjourned until **26 August 2002**.

SIMIĆ *et al.* Case ("Bosanski Šamac")

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

On 22 July 2002, the Sentencing Hearing for Milan Simić took place following his guilty plea of 15 May 2002 which was part of a plea agreement with the Prosecution. The Trial Chamber lifted the confidentiality on all the filings for this sentencing hearing. The parties presented their arguments and the accused addressed the Trial Chamber. A Judgement will be rendered in due course.

On 23 July, the Prosecution examined witness Ediba Bobić who testified about events that occurred after the take-over of the town of Bosanski Šamac in 1993.

On 24 July, the Prosecution resumed its examination. The Defence then cross-examined the witness. The Prosecution subsequently examined witness Kemal Bobić, the husband of the previous witness who testified, *inter alia*, about his arrest in Bosanski Šamac in May 1992.

On 25 July, the Defence cross-examined the witness. The proceedings then adjourned for the week.

GALIĆ Case ("Sarajevo")

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

On 22 July 2002, the Trial Chamber convened to hear the 28th week of the Prosecution case. The Prosecution examined witness Ewa Tabeau, an expert on demography with the Office of the Prosecutor. The Defence then cross-examined the expert witness.

On 23 July, the Defence resumed its cross-examination. The Prosecution then examined witness Ismet Hadžić, an employee of at the Energoinvest Company in Sarajevo in 1992 who testified about events that occurred in the Dobrinja area of Sarajevo from 1992 until 1995.

On 24 July, the Prosecution resumed its examination. The Defence then cross-examined the witness.

On 25 July, the Defence resumed its cross-examination. The Prosecution then re-examined the witness and the Judges briefly examined him. The Prosecution then called Dr. Vilmos Kovacs, an artillery expert who testified before on 9 and 10 July 2002 (see *Weekly Update* No. 228).

NALETILIĆ and MARTINOVIĆ Case ("Tuta" and "Štela")

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

On 22 July 2002, the Trial Chamber convened to hear the second week of the Martinović Defence case. The Defence examined protected witness ME who testified, *inter alia*, about his detention in the Dretelj and Heliodrom Camps in 1993. The Prosecutor then cross-examined the witness. The Defence subsequently examined protected witness MF who testified about the conflict between the Croatian Defence Council ("HVO") and the Army of Bosnia and Herzegovina ("ABiH") in Mostar in 1993.

On 23 July, the Defence concluded its examination and the Prosecution started its cross-examination. Following the conclusion of the Prosecution's examination, the Judges briefly questioned the witness.

The Defence then examined protected witness MG who testified about the start of conflict between Muslims and Croats in Mostar in 1993. The Prosecution then cross-examined the witness. The Defence

then examined protected witness MH who testified about the conflict between the HVO and the ABiH in Mostar in May 1993. The Prosecution then cross-examined the witness.

On 24 July, the Prosecution resumed its cross-examination. The Judges then briefly questioned the witness. The Defence subsequently examined protected witness MI who was a member of the ABiH 4th Corps in Mostar in 1993. The Prosecution then cross-examined the witness.

The hearing in this case was then adjourned for the remainder of the week.

Dragan NIKOLIĆ Case (“Sušica Camp”)

Pre-Trial Judge Agius

On 23 July 2002, the parties convened before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Pre-trial preparations were discussed. The Prosecution is to file its Pre-Trial Brief on or about **3 October 2002** and the Defence on or about **24 October**. The date for the commencement of trial was scheduled to start on or about **18 November 2002**.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

BLAGOJEVIĆ *et al.* Case (“Srebrenica”)

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

DECISION ON DRAGAN OBRENOVIĆ’S APPLICATION FOR PROVISIONAL RELEASE

On 11 June 2002, Dragan Obrenović filed a Motion for Provisional Release. On 22 July 2002, the Trial Chamber denied the Motion.

DECISION ON VIDOJE BLAGOJEVIĆ’S APPLICATION FOR PROVISIONAL RELEASE

On 17 July 2002, Vidoje Blagojević filed a Pre-Trial Provisional Release Request. On 22 July 2002, the Trial Chamber denied the Request.

MRKŠIĆ Case (“Vukovar”)

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

DECISION ON MILE MRKŠIĆ’S APPLICATION FOR PROVISIONAL RELEASE

On 23 May 2002, Mile Mrkšić filed a Defence Motion for Provisional Release Request. On 24 July 2002, the Trial Chamber denied the Motion.

DERONJIĆ Case

Pre-Trial Judge Mumba

ORDER FOR FILING OF MOTIONS

On 24 July 2002, the Pre-Trial Judge issued an Order, pursuant to Rule 54 of the Rules of Procedure and Evidence, setting out several conditions for the filing of Motions. Subject to this Order, no written Motion may be filed on a confidential basis unless the Pre-Trial Judge or another Judge of the Trial Chamber grants leave for it to be so filed. Applications for leave must be made in writing, stating the basis for the application. They may be filed on an *ex parte* basis.

The following filings are excluded from the requirement that leave be sought before they may be 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 motions or hearings.

(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 and *Judicial Supplement* No. 31).

COURTROOM SCHEDULE: 29 JULY – 2 AUGUST*

MONDAY 29 JULY

Courtroom I 14:15 - 19:00, **Martinović and Naletilić**, Trial

Courtroom II 09:00 - 13:45, **Galić**, Trial

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14:15 - 19:00, **Stakić**, Trial
 Courtroom III 09:30 - 13:00, **Simić et al.**, Trial
 14:30 - 16:00, **Simić et al.**, Trial

TUESDAY 30 JULY

Courtroom II 09:00 - 13:45, **Galić**, Trial
 14:15 - 19:00, **Stakić**, Trial
 Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
 14:15 - 19:00, **Martinović and Naletilić**, Trial

WEDNESDAY 31 JULY

Courtroom I 11:00, **Krnojelac**, Status Conference
 12:00 - 16:45, **Martinović and Naletilić**, Trial
 Courtroom II 09:00 - 13:45, **Galić**, Trial
 14:15 - 19:00, **Stakić**, Trial
 Courtroom III 09:30 - 13:00, **Simić et al.**, Trial
 14:30 - 16:00, **Simić et al.**, Trial

THURSDAY 1 AUGUST

Courtroom I 09:00 - 12:30, **Stakić**, Trial (Video Link)
 14:00 - 16:30, **Stakić**, Trial (Video Link)
 Courtroom II 09:00 - 13:45, **Galić**, Trial
 Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
 14:15 - 19:00, **Martinović and Naletilić**, Trial

FRIDAY 2 AUGUST

Courtroom II 09:00 - 13:45, **Galić**, Trial
 Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
 14:15 - 19:00, **Martinović and Naletilić**, 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 8 JULY

DATE	NUMBER	TITLE	E	F	B/C/S
19 July 2002	688	JUDGES' PLENARY SESSION ADOPT REFORMS CONCERNING DEFENCE COUNSEL TEAMS	E	F	
20 July 2002	689	MOMČILO GRUBAN ON PROVISIONAL RELEASE	E		

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

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