



2 August 2002

ICTY WEEKLY UPDATE –231

Please note that Weekly Update 232 will be issued on 30 August 2002.

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

There were no hearings in the Milošević case this week. The hearings will resume on **26 August 2002**.

STAKIĆ Case (“Prijeedor”)

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

On 29 July 2002, the Trial Chamber convened to hear the 17th week of the Prosecution case. The Prosecution examined witness Nusret Sivac from Prijedor, a former mineworker employed by the State Security Services from 1973 to 1989. The witness also worked for TV Sarajevo covering political events in the Prijedor municipality.

On 30 July, the Prosecution resumed the examination of witness Sivac.

On 31 July, the Defence cross-examined the witness.

On 1 August, the Defence concluded the cross-examination of the witness. The trial was adjourned to **26 August 2002**.

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

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

On 29 July 2002, the hearing began in closed session. Later in the morning the Prosecution examined protected witness P who testified, *inter alia*, about his interrogation at the Police Station in Bosanski Šamac during the war in Bosnia and Herzegovina. The Defence then cross-examined the witness.

On 30 July, the Defence resumed its cross-examination of the witness.

On 31 July, the hearing took place mainly in closed session.

On 1 August, the trial was adjourned to **2 September 2002**.

GALIĆ Case (“Sarajevo”)

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

On 29 July 2002, the Trial Chamber convened to hear the 29th week of the Prosecution case. The Prosecution called witness Faris Gavrankapetanović, a surgeon in the traumatology department of the Sarajevo Kosevo Hospital during the period from 1992 until 1995. The Defence then cross-examined expert witness Richard Higgs, an artillery expert. The Prosecution subsequently re-examined the witness and the Judges briefly questioned him as well.

On 30 July, the Defence cross-examined witness Gavrankapetanović and the Judges briefly questioned him. The Defence further cross-examined expert witness Ewa Tabeau, a demographer with the Office of the Prosecutor.

The Prosecution then examined witness Zineta Arifagić, Deputy Director of the Dobrinja hospital in Sarajevo during the war.

On 31 July, the hearing took place mainly in closed session.

On 1 August, the Defence cross-examined Rule 92 *bis* witness Smail Čekić, the Director of Sarajevo's Institute for the research of crimes against humanity and international law which was set up in 1992. The Prosecution then examined witness Captain Jonathan Hinchcliffe, a British officer who wrote a report on sniper incidents in Sarajevo from 1992 until 1994.

On 2 August, the Prosecution resumed its cross-examination.

The trial was adjourned to **26 August 2002**.

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

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

On 29 July 2002, the Trial Chamber convened to hear the third week of the Martinović Defence case. The Prosecution examined protected witness MJ who was an ambulance driver for the Croatian Defence Council (“HVO”) in 1993. The witness was then cross-examined by the Prosecution. The Defence then examined protected witness MK who was a member of the HVO in 1993.

On 30 July, the Defence examined protected witness MM who testified about events in Mostar in 1993.

On 31 July, the Court proceeded under Rule 15 *bis* of the Rules in the absence of Judge Diarra. The Prosecution cross-examined protected witness MM.

On 1 August, the hearing was adjourned until **26 August 2002**.

KRNOJELAC Case (“Foca”)

Judge Meron

On 31 July 2002, the parties appeared before Judge Meron for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Pre-appeal preparations were discussed.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

STRUGAR *et al.* Case (“Dubrovnik”)

Confirming Judge El Mahdi

ORDONNANCE AUTORISANT LE RETRAIT, SANS PREJUDICE, DES ACCUSATIONS PORTEES A L'ENCONTRE DE MILAN ZEC

On 26 July 2002, Judge El Mahdi ordered that the Indictment against Milan Zec be withdrawn following a Motion confidentially filed by the Prosecution on 18 July 2002 (see *Press Release* No. 691).

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

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

SCHEDULING ORDER FOR HEARING ON PROSECUTION MOTION FOR BINDING ORDER

On 12 July 2002, the Prosecution filed an Application for an Order Pursuant to Rule 54 *bis* Directing the Federal Republic of Yugoslavia to Produce Documents. On 26 July 2002, the Trial Chamber granted the Federal Republic of Yugoslavia until Monday **2 September 2002** to file a written response to the Application. It further ordered that a hearing on the Applications be held on Monday **16 September 2002 at 09:30 a.m.**

PUBLIC VERSION OF THE CONFIDENTIAL DECISION ON THE PROSECUTION'S MOTION TO GRANT SPECIFIC PROTECTION PURSUANT TO RULE 70

On 30 May 2002, the Prosecution applied in open court session for the Trial Chamber to grant an order that the representative of the supplying country be present in court during the evidence of a particular witness. On 25 July 2002, the Trial Chamber granted the Motion in part and decided that:

- 1) the examination-in-chief of the witness shall be tailored by the Prosecution to exclude any confidential information;
- 2) in cross-examination, the accused will not be permitted to ask questions and seek information beyond that provided in the subject matter of the evidence-in-chief;

- 3) questions as to the credibility will be permitted provided that the answers are not liable to reveal confidential information;
- 4) two representatives of the Government of the supplying country may be present in the courtroom during the testimony of the witness.

KOS Case (“Omarska and Keraterm Camps”)

President of the Tribunal Jorda

ORDONNANCE DU PRESIDENT RELATIVE A LA LIBERATION ANTICIPEE DE MILOJICA KOS

On 30 July 2002, the President granted Milojica Kos’ request for release effective 31 July 2002 (see Press Release No.692).

HADŽIHASANOVIĆ *et al.* Case (“Central Bosnia”)

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

DECISION ON MOTION OF AMIR KUBURA TO VARY THE CONDITIONS OF HIS PROVISIONAL RELEASE

On 16 July 2002, the Defence for Amir Kubura filed a Motion to vary the conditions of his provisional release. On 25 July, the Trial Chamber granted the Motion in part and granted Kubura to travel outside of Sarajevo to Kakanj to visit his mother, subject to certain conditions.

DECISION ON MOTION FOR CHANGE OF PROVISIONAL RELEASE CONDITIONS

On 16 July 2002, the Defence for Enver Hadžihasanović filed a Motion for Change of Provisional Release Conditions. On 25 July, the Trial Chamber denied the Motion considering, *inter alia*, that the circumstances did not warrant a variation of the terms and conditions for Hadžihasanović’s provisional release.

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

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

DECISION ON MOTION OF ACCUSED BLAGOJEVIĆ TO DISMISS CUMULATIVE CHARGES

On 2 July 2002, the Defence for Blagojević filed a Motion to Dismiss Cumulative Charges of Counts 2, 3, 5, 6 in the Amended Joinder Indictment Based on the Legal Findings in *Krstić* Regarding Cumulative Convictions. On 31 July, the Trial Chamber dismissed the Motion. It considered, *inter alia*, that the Trial Chamber and the Appeals Chamber alike have consistently rejected the complaint that cumulative charging of an accused is impermissible, and that the existence of cumulative convictions is a matter to be considered only when imposing penalty, but not already at pre-trial stage.

DECISION ON MOTION OF ACCUSED BLAGOJEVIĆ TO DISMISS COUNT 1B

On 2 July 2002, the Defence for Blagojević filed a Motion to Dismiss Count 1B of the Amended Joinder Indictment, “complicity to commit genocide”, on the grounds that it offends the principle of *nullum crimen sine lege*. On 31 July, the Trial Chamber dismissed the Motion finding, *inter alia*, that the Defence did not provide a reasonable basis to dismiss the charge of complicity in genocide but that the Defence arguments against Count 1B could be dealt with later at trial.

DECISION ON MOTIONS CHALLENGING THE FORM OF AMENDED JOINDER INDICTMENT

On 21 June, 24 June, 26 June and 2 July 2002, the four co-accused filed motions on the form and the substance of the Amended Joinder Indictment. On 1 August 2002, the Trial Chamber rejected the motions.

COURTROOM SCHEDULE: 5 AUGUST TO 26 AUGUST*

COURT RECESS

*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 JULY

DATE	NUMBER	TITLE	E	F	B/C/S
26 July 2002	690	ADDRESS BY HIS EXCELLENCY, JUDGE CLAUDE JORDA, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UNITED NATIONS SECURITY COUNCIL	E	F	B/C/S
29 July 2002	691	INDICTMENT AGAINST MILAN ZEC WITHDRAWN	E		B/C/S
31 July 2002	692	THE PRESIDENT OF THE ICTY ORDERS RELEASE OF MILOJICA KOS	E		B/C/S

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